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Journal of the Senate

Extra session of 9th Legislature

Monday February 2. 1863

The Senate met in extraordinary session in pursuance of the proclamation of the Governor. The President in the Chair. The roll of Senators being called the following answered to their names. Messrs Boyd Casey Cook Gwinn Harcourt Lea and Reed.

The following gentlemen presented their Credentials as Senators elect from the respective Districts to fill vacancies.

W. R. Scott	13th District	S. Addison White	4th District
K. M. Cooper	11th	Rice Maxey	9th
Spencer Ford	25th	A. M. Moore	26th
James Andres	2nd	A. C. Jackson	17th

Geo. C. Burney 28th District

Whereupon the oath of office was administered by the president and the Senators took their respective seats.

The roll was then called and there being no quorum the Senate adjourned until 4 oclk P. M.

4 oclk P. M.

Senate met. Rollcalled - no quorum - whereupon the Senators adjourned until to morrow 10 oclk A. M.

Tuesday February 3. 1863.

Senate met - roll called - Mr. Quayle presented his Credentials as Senator elect from 20th District, took the oath of office and his seat. There being no quorum the Senators adjourned until 3 oclk P. M.

3 oclk P. M.

Senate met. roll called - no quorum - whereupon the Senators adjourned until to morrow morning at 9 oclk.

Wednesday February 4. 1863.

Senate met - roll called, Quorum present. Prayer by the Chaplain. The president announced several vacancies in the offices in the Senate whereupon an election to fill the vacancies was had. The President announced that nominations for the office of 1st asst. Secretary were in order whereupon Mr. Gwinn nominated Mr. N. C. Raymond. There being no other nomination Messrs Gwinn and Casey were appointed tellers who upon counting the ballot announced it as follows. Mr. Raymond 21 votes and one vote blank - Whereupon Mr. Raymond was declared Constitutionally elected. For Sergeant at Arms Mr Moore of Bastrop nominated Mr. R. K. Clements. There being no other nomination Mr. Clements received twenty one votes and one vote blank, Mr. Clements was therefore elected. Nominations for Enrolling Clerk were then made by Mr. Richardson of S. Priestley, by Mr. Cook of W. M. Gilleland. The ballot being counted Mr. Priestley had 9 votes, Mr. Gilleland 13 votes and one vote blank. Mr. Gilleland was therefore elected. For Engrossing Clerk Mr. Harcourt nominated Henry Thomas, Mr. Shepard Duval Beale, Mr. Lea nominated Mr. T. D. Moseley - The first ballot resulted as follows. Mr. Thomas 11 votes Mr. Beale

Six votes and Mr. Moseley 5 votes. There being no election a second ballot was had with the following result. Mr Thomas. 15 votes Mr. Moseley 6. votes Mr. Beale 2 votes. Mr. Thomas having rec'd a majority was elected.

Mr Thomas and Mr. Clements were then sworn into office.

Mr Dickson moved the appointment of a committee to inform the House of Representatives of the organization of the Senate and its readiness to proceed to business.

Messrs Dickson, Casey, & Boyd were appointed the Committee.

The Senate then adjourned until to morrow morning 9 o'clk

Thursday Febry 5th 1863 9 o'clk A.M.

Senate met Prayer by the Chaplain - roll called Quorum present. Mr. Secretary moved 1st asst. Secry elect came forward and took the oath of office. Mr. Wm M. Gillaspie Enrolling Clerk elect came forward and took the oath of office.

On motion of Mr. Guinn the Senators elect to fill vacancies occurring since the last session were assigned to duty on their appropriate Committees.

Mr. Dickson presented the memorial of J. N. Darden contesting the seat of Hon Spencer Ford Referred to Judiciary Committee.

Mr. Harcourt introduced a Bill to authorize the Supreme Court of the Galveston District to hold its Spring term at the City of Austin. Read 1. & 2. times and referred to Judiciary Committee.

Mr. Selman introduced a bill to repeal the 1st section of an act to prescribe what kind of funds shall be received for public dues. Read 1 & 2 times and referred to Committee on Finance.

Mr Lea introduced the following resolution which was adopted. Resolved that the Committee on Finance is instructed to inquire and report as to the propriety of providing a specie fund to facilitate payments of taxes which have been or may be imposed to meet interest and principal of State bonds so that taxpayers may have such taxes liquidated at the Treasury by exchange of paper currency for specie through the Comptroller and the Collector."

Mr Ford offered the following. Resolved "That the Secretary of State be required to furnish each Senator with a copy of Oldham & White's Digest a copy of the State Constitution and of the acts of the regular session - adopted.

Mr. Guinn offered the following resolution "Resolved that it is the sense of the Senate that no legislation should be had during this Extra session of the Legislature on general or local measures." Laid on table one day for consideration.

Mr. Harcourt introduced a Joint Resolution approving the President's Proclamation - Read 1st time and on Mr. Ford's motion referred to committee on Military affairs.

On motion of Mr. Casey the Senate took recess for half an hour.

The recess having expired the senate was called to order by the President. Roll called Quorum present. A committee from the House announced to the Senate that the House were organized and ready to proceed to business and that Messrs Potter, Holland of Grimes and Broaddus had been appointed a committee to act with a like committee of the Senate to wait upon the Governor and inform him of the organization of the Legislature and their readiness to receive any Communication he may have to make. The committee appointed by the Senate for a like purpose reported that in conjunction with the like committee of the House they had performed that duty and that His Excellency would deliver in person his message in the Hall of the House of Representatives as soon as the Hall could be arranged for that purpose.

A message from the House announced the organization of that body as follows.
Hon Ed Puckett Speaker L H Herndon Chief Clerk
A G. Campbell 1st. asst. Clk D Priestly Enrolling Clerk
L. A. Garrison Engrossing Clk L. L. Eastwell Doorkeeper
Wm Hardeman Serjt. at Arms. V V. Ward asst. Serjt. at Arms
Mr. Hardeman and Mr. Garrison being officers of the regular session. the others having been elected to fill vacancies

A committee from the House invited the Senate to the Hall of the House of Representatives for the purpose of hearing the Governors message.

On motion the Senate proceeded to the Hall of the House

In Joint Session

Roll called - Quorum present.

The message was then read by the Governor and is as follows.

(For this Document see page 311 of this record)

On motion the Senate returned to their Chamber - Roll called - Quorum present.

On Mr. Burneys motion an adjournment was carried until 9 oclock A. M. tomorrow.

Friday February 6. 1863
9 oclock A. M.

Senate met - prayer by the Chaplain - roll called - Quorum present. The journal of yesterday was read and adopted.

Mr. Harcourt chairman of the Committee on the Judiciary reported a Bill to authorize the Supreme Court of the State for the Galveston District to hold its spring term at the city of Austin and recommended its passage.

Mr. Mayes introduced a Joint Resolution requesting the President to place Genl Price in command of the transmississippi district and to send the Texas troops west of the Mississippi River. Read 1st time.

Mr. Mayes also introduced a Bill to appropriate land to the Texas officers and soldiers in the war with the United States - Read 1 & 2 times and referred to Committee on Military Affairs.

Mr Caser offered the following resolution "Resolved that the Finance committee be and they are hereby requested to enquire into the expediency and practicability of the State purchasing 50000 pair of Cotton Cards to be distributed in the different counties in this State in proportion to the families in each county at a price to the families not exceeding the cost to the State and that they report by bill or otherwise at an early day. Mr. Gurrin suggested the following amendment "and 10,000 pair of woolen cards" accepted and the resolution adopted

Mr. Harcourt introduced a Bill to repeal an act to perfect the organization of the State troops and place the same on a war footing approved 25 December 1861 - Read 1st & 2nd times and referred to committee on military affairs.

Mr. Gurrin introduced a Bill to punish certain offences therein named - Read 1st & 2nd time and referred to Judiciary committee.

Mr. Durant introduced a Joint Resolution expressive of the sense of this legislature in relation to the ultimate redemption of the Confederate notes. Read 1st & 2nd times ...

referred to Committee on State affairs

Mr. White introduced a Bill to levy a special tax for the relief of Soldiers families, Read 1st & 2nd time and referred to Committee on Finance.

Mr. Dickson offered the following resolution. Resolved that the Committee on Printing be required to procure 500 Copies of the Governors message for the use of the Senate-Adopted.

Mr. Quayle introduced a bill to punish extortion. Read 1st & 2nd time and referred to the Judiciary Committee

Mr. White introduced a bill to punish fix and determine punishment for high treason-Read 1st & 2nd time and referred to Judiciary Committee.

Mr. Ford offered the following resolution- Resolved that the portion of the Governors message upon subjects properly belonging to the standing committees be referred to them respectively with instructions to report by bill or otherwise. Adopted.

Mr. Gunn offered the following resolution Resolved that the documents accompanying the Governors message be referred as follows.

Report of Adjutant General to Committee on Military affairs

Report of Financial Agent and Superintendent of Penitentiary to committee on Penitentiary

Report of Secretary of State, Superintendent of Lunatic Asylum, Correspondence of governors West of Mississippi river to Committee on State affairs - Adopted

On Mr Gunns motion the Secretary was authorized to employ a porter at an expense not exceeding one Dollar and fifty Cents per day.

The following Communication from the Secretary was read

See page 330 of this record.

So much thereof as relates to the archives was referred to the committee on State affairs and so much as relates to the Capitol building to Committee on Public buildings.

Orders of the day

The resolution offered by Mr Gunn on yesterday relative to legislation on private or local matters was read. Mr. Lea moved to strike out "local" carried.

Mr Hartley offered the following substitute "Resolved that the Senate will not act on any private bill without the Consent of three fourths of the members present" accepted and adopted

Joint Resolution tendering the thanks of the people of Texas to our officers and soldiers Read 2nd time and on Mr Harcourts motion further Consideration was postponed until to morrow.

On motion of Mr Harcourt the report of the Judiciary Committee on a Bill to authorize the Supreme Court of the Galveston District to hold its spring term at the city of Austin was taken up - Bill read 2nd time and ordered to be engrossed by the following vote.

Yeas. Messrs Cook, Dickson, Durant, Ford, Gunn, Harcourt, Lea, Maxey Moore of Davis Moore of Bastrop Reed and White 12.

Nays. Messrs Andres Beasley, Boyd Burnett, Cooper, Hartley, Kerr, Quayle, Selman, Shepard Weatherford & Wheeler, 12.

The President voted Yea..

The following Committees were announced by the President.

Judiciary

Messrs Harcourt. Hartley, Casey, Houston, Mitchell, Wheeler, Ford, Parsons, Gunn Selman, Jordan, Maxey, White and Cooper.

Finance

Messrs Lea, Boyd, Weatherford, Moore of Davis Andreas, Hartley, Parsons, Ford and Sheppard.

State affairs.
Messrs Hartley, Sheppard, Boyd, Moore of Bastrop, Lea, Marcont, Weatherford Quayle and Maxey,
Public Lands
Messrs Birney, Batte, Reed, White, Crawford, Cook, Lea, Dickson and Cain
Confederate relations,
Messrs Durant, Dickson, Gurrin, Cooper, Lea, Marcont, Cook, Moore of Bastrop and Reed.
Agriculture
Messrs Batte, Moore of Bastrop, Burney, Dickson and Ford.
Penitentiary
Messrs Jordan, Graham, Cooper, Parsons, Reed and Birney.
Internal Improvements.
Messrs Parsons, Moore of Bastrop, Lea, Sheppard, Crawford, Hartley, Moore of Davis Casey and Graham.
Private Land Claims
Messrs Weatherford Houston Mitchell Gurrin, Dickson, White, Selman, Marcont,
Privileges and Elections
Messrs Selman, Durant Batte. Andres, Quayle, Burney, Moore of Bastrop.

Counties and County Boundaries.
Messrs Reed, Weatherford, Burney, Wheeler, and Ford.
Roads, Bridges & Ferries
Messrs Boyd Crawford, Moore of D. Sheppard & Ford,
Claims and accounts
Messrs Gurrin Mitchell Quayle, Casey, Jordan, White Moore of Davis
Printing and Contgt Expenses
Messrs Marcont, Sheppard, Durant Parsons Cain & Maxey,
Engrossed Bills
Messrs Casey Houston Andres, & Dickson
Public Debt
Messrs Mitchell, Dickson Sheppard, Weatherford, Batte, Gurrin, Burney and Maxey
Enrolled Bills
Messrs Ford Selman, Wheeler and Cain,
Treasurers Books
Messrs Selman, Sheppard, Burney, Ford, Gurrin and Dickson,
General Land office.
Messrs Burney Quayle Cook Moore of D. Cain
Military Affairs
Messrs Casey Boyd. Jordan Ford Houston White Dickson Cooper & Cook
Education
Messrs Dickson Casey White Mitchell Andres

The Senate then adjourned until 10 o'clk A.M. to morrow.

Saturday. February 7. 1863
10 oclk A. M.

Senate met. Prayer by the Chaplain - roll called - Quorum present -
The committee on Engrossed Bills reported a Bill to authorize the Supreme Court for the Galveston District to hold its Spring term at the City of Austin Correctly engrossed.

Mr Lair introduced a Joint Resolution instructing our Senators and requesting our Representatives in the U. S. Congress to use their influence for the repeal of the exemption law. Read 1st time.

Mr. Harcourt introduced a Bill to provide for the organization of State Troops. Read 1st & 2nd time and referred to Committee on Military Affairs.

Mr Durant introduced a Bill requiring the Adjutant General of the State to procure and keep a correct roll of all persons who may have served in the Confederate States or State Army during the present war. Read 1st & 2nd time and referred to committee on Military Affairs.

A message was received from the House announcing that Messrs Holland of Graves Williams Todd, Broaddus and McCow, had been appointed a committee to act in conjunction with a like Committee on the part of the Senate to examine into the acts of the Military board. Messrs Dickson Graves and Cason were appointed on the part of the Senate.

Mr. Durant introduced a Bill to limit the planting and Cultivation of cotton in this State for the year 1863. Read 1st & 2nd time and referred to committee on Agriculture.

Mr Maxey offered the following resolution. Resolved that the Committee on the Judiciary be instructed to inquire 1st whether there is any existing law authorizing the several Counties Courts to issue warrants on their Treasurers for the relief of the indigent families of the State. 2nd Cor whether there is any existing law authorizing said Courts to levy and collect taxes for their redemption and if there be no such law, that said Committee report a Bill or otherwise authorizing the levy and collection of such tax. Adopted

Mr. Moore of Navo offered the following. Resolved that the committee on Military affairs inquire into the propriety of so amending that portion of the Militia law which requires the Senior Justice of the peace to enroll the Militia in his beat as to provide a compensation for the same Adopted.

Mr Gunn offered the following Resolved that the Judiciary committee be requested to inquire into the Constitutionality of a law to regulate the prices of articles of prime necessity and report by Bill or otherwise at as early a day as practicable. Adopted.

Orders of the Day.

A Bill to authorize the Supreme Court for the Galveston District to hold its Spring term at the City of Austin. Read 3rd time and passed.

Joint Resolution tendering thanks to the officers and soldiers of Texas in the war with the U. S. Read 2nd time and ordered to be engrossed - Rule suspended read 3rd time and passed.

Joint Resolution requesting the President to place Genl. Price in command of the Trans Mississippi District and to send the Texas troops west of the Mississippi River - Read 2nd time and referred to committee on Military affairs.

A message was rec'd from the House informing the Senate that the House had passed a Joint Resolution in relation to an Expedition between the Mississippi and the Rio Grande which on motion of Mr Gunn was taken up Read 1st time

On Mr Sheppards motion the rule was suspended read 2nd time and passed to a third reading - Rule further suspended Read 3rd time and passed.
Also that the House had passed Senate Bill to authorize the Supreme Court for the Galveston District to hold its Spring term at the City of Austin. and had appointed Messrs Randolph Flint and Foote a committee to visit the Penitentiary and requesting a like committee on the part of the Senate. On Mr Lea's motion the Senate ordered the appointment of a like committee.

The Senate then adjourned until Monday morning 10 oclk.

Monday February 9. 1863
10 oclk A M.

Senate met - prayer by the Chaplain - roll called - Quorum present. The Journal of Saturday was read and adopted.

Mr. Ford chairman of Committee on Enrolled Bills reported as correctly enrolled, properly signed and presented to the Governor, a Bill to authorize the Supreme Court of the Galveston District to hold its Spring term at the City of Austin.

Mr. Cook from the Committee on Military affairs on behalf of the committee made the following report. "Your committee to whom was referred a resolution requesting the President to place Genl. Price in command of the Trans Mississippi Department and to send the Texas troops west of the Mississippi river have had the same under consideration and direct me to report the same back to the Senate and ask to be discharged from its further consideration "Your committee are not in possession of sufficient facts to induce them to recommend changes of so great importance and they prefer to leave the whole matter to the president who is doubtless thoroughly informed of all the facts and is better capable of judging of men and measures in Military affairs than we are"

Mr. Sheppard presented the Memorial of the County Court of Washington County in reference to the appropriation of negro men to work on fortifications and introduced the following resolution "Resolved that the Committee on the Judiciary be instructed to inquire into the Constitutionality and expediency of the enclosed suggestions of the County Court of Washington County, and report by bill or otherwise" Adopted.

Mr. Dickson offered the following resolution "Resolved the House concurring that the Joint committee appointed to examine into the condition of the Penitentiary shall enter upon the discharge of their duties immediately after the adjournment of the present session of the Legislature, that their report shall be made directly to His Excellency The Governor and published, that in the performance of their duties they shall have power to send for persons and papers, shall have their travelling expenses paid out of the Contingent fund and receive their per diem pay for the time actually engaged in this service"

Mr. Hartley moved to amend as follows. Strike out all after the word "immediately" to the word "published". including the latter, and insert "and that after the adjournment of the Legislature they shall have leave to adjourn to the town of Huntsville and there conclude their investigations and make their finial report to His Excellency the Governor which shall be published"

On Mr. Gurnis motion the Resolution and proposed amendment were referred to Committee on Penitentiary.

On Mr Lea's motion Mr. Wheeler was excused from attendance on the Senate on account of indisposition

Mr. Durant introduced a Joint Resolution relative to the Penitentiary - Read 1st & 2nd time and refrd to committee on Penitentiary

Mr. Moore of Bastrop offered the following resolution. Resolved that the Com

mittee on the Land office be requested to inquire into the propriety of stopping the sale of Land scrip for the present and report by Bill or otherwise." Adopted

Mr Birney offered the following resolution. Resolved that the Committee on Finance be requested to inquire into the propriety of authorizing the Comptroller to sell certain Lots in the City of Austin belonging to the State "adopted.

Mr. Ford offered the following. Resolved That the Committee on Finance be instructed to inquire into the expediency of pledging the faith and credit of the State for the payment of the amount of the public debt of the Confederate States in proportion to our representation in Congress and with what Additions and report by bill or otherwise".

Mr Dickson moved to strike out "Representation in Congress" and insert "taxable property"

On Mr Marcomb's motion the resolution and amendment were laid on the table

By request Mr Marcomb moved a reconsideration - carried -

Mr Sheppard then offered the following as a substitute "Resolved that the Committee on Finance be instructed to take into Consideration the suggestion contained in President Davis Message that the several states of the Confederacy assume each their proportional part of the public debt of the Confederacy and report by bill or otherwise" adopted. The resolution was then adopted.

Mr Cooper introduced a Bill to suspend until the first day of January 1865 the Collection of the Specie tax - Read 1st & 2nd time and referred to Committee on Finance.

Mr White introduced a Bill to amend the 960 article of the Code of Criminal procedure. Read 1 & 2 time and referred to Judiciary Committee.

Mr Hartley introduced a Bill to purchase 20.000.000 $ of the currency of the Confederate States. Read 1 & 2. time and referred to Committee on Finance.

Mr Cooper introduced a Bill to stop the payment of interest on all debts where Confederate Treasury notes are presented in payment and refused. Read 1st & 2nd time and referred to Committee on Judiciary.

Orders of the Day

A Joint Resolution instructing our Senators and requesting our Representatives in the C.S. Congress to use their influence for the repeal of the exemption law. Read 2nd time and refered to Committee on Military affairs.

The Senate then adjourned until 10 o'clk A.M. to-morrow.

Tuesday February 10. 1863

10 o'clk A. M.

Senate met - prayer by the Chaplain - roll called Quorum present

Mr Ford on behalf of the Committee on Military affairs to whom was referred a Joint Resolution approving the President's proclamation reported the same without amendment and recommended its passage.

Mr. Lasater introduced a Bill authorizing judgments to be rendered requiring property levied upon by Execution to bring nine tenths of its appraised value in certain Cases. Read 1st & 2nd time and referred to Judiciary Committee.

Mr. Beasley offered the following resolution; Resolved that the Committee on Public buildings be instructed as soon as convenient to examine into the condition of the public buildings and the preservation of the papers records &c and report at their earliest convenience the condition of the same -" adopted

Mr. Cooper introduced a Bill to authorize and empower the Governor to suppress

the distilling of spirituous liquors in this State as a Assistance, during the continuance of the present war. Read 1st & 2nd time and referred to Committee on Judiciary.

Mr. Selman offered the following resolutions.

Resolved that His Excellency the Governor be requested to furnish the Senate as early as practicable with a statement setting forth the amount of state bonds disposed of under "an act authorizing a loan and imposing a specific tax to meet the principal and interest thereof under the provisions of the 33rd Section of the 7th Article of the Constitution of the State approved 8th April 1861. and an act supplemental and Amendatory thereof approved January 11 1862.

Resolved further That he also set forth in such statement the names of the persons to whom said bonds have been sold, the kind of funds or proper ty received and what disposition has been made of the same.

Resolved further That the Secretary be requested to transmit a copy of these resolutions to His Excellency the Governor as early as possible.

Passed informally for consideration.

A message from the House informing the Senate that the House had passed a Joint Resolution on the subject of raising Corn or other breadstuffs.

Mr. Selman introduced a Bill to amend the 3rd section of an act to amend the 2nd Section of an act authorizing a loan and imposing a specific tax to meet the principal and in terest thereof under the provisions of the 33rd section of the 7th article of the Constitution of the State approved April 8 1861 and supplementary to said act approved Jan 11 1862 Read 1st & 2nd times and referred to Committee on Finance.

Mr. Cooper introduced a Bill to relieve the officers non commissioned officers and privates in the army of the Confederate States from the payment of Poll tax. Read 1st & 2nd times and referred to committee on Finance.

Mr. Hartley introduced a Bill to remit the State taxes assessed for the year 1862 upon property situated within the corporate limits of the towns of Sabine pas, Galveston, La Baca, Brownsville and Corpus Christi. The question was raised that the bill could not be entertained under the resolution of the Senate relative to the consideration of private business The President decided that the bill could not be entertained unless by a vote of three fourths from which decision Mr. Hartley appealed.

On motion of Mr. Shepard the question on the appeal was laid on the table in order that the message of the Governor presenting certain battle flags transmitted by the House to the Senate might be read.

The message was then read and is as follows:

(See page 330. of this record.)

On Mr. Ford's motion the Sergt. at arms was instructed to unfurl the flags. The President instructed the Secretary to return the message to the House in accordance with their request.

Mr. Harcourt moved the appointment of a committee of three to act in conjunction with a like committee to be appointed by the House to take such action upon the message and make such disposition of the flags as they might deem appropriate.

Messrs Harcourt Parsons and Quayle were appointed the committee.

The Question on the appeal from the Presidents decision was then taken up

"Shall the decision of the Chair be the decision of the Senate?" Whereupon there was a tie vote when the President announced the appeal lost.

The Senate then adjourned until 10 o'clock A. M. to morrow.

Wednesday Febry 11 1863

10 oclk A. M.

Senate met- prayer by the Chaplain - roll called - Quorum present. Journals of Yesterday was read and adopted.

Mr. Battle chairman of the Committee on Agriculture reported a Bill restricting the planting and cultivation of cotton in this state for the year 1863 which had been referred to that Committee and recommended. that it do not pass.

Mr. Harcourt chairman of Judiciary Committee made the following report on the contested election between S. McDaden and Hon Spencer Ford.

(see page 330 of this record)

Mr. Cooper from the Committee on the Penitentiary made the following report.

"The committee to whom was referred the resolution and amendment in regard to the duties powers &c of the Joint Committee raised for the purpose of examining into the Condition of the Penitentiary have had the same under Consideration and beg leave to report the following as their action and recommend that it be adopted.

Resolved the House concurring that the Joint committee appointed to examine into the Condition of the Penitentiary shall enter upon the discharge of their duties immediately, that in the performance of their duties they shall have power to send for persons and papers, shall have their travelling expenses paid out of the Contingent fund and receive then pr. diem pay for this service, and that after the adjournment of the Legislature they have leave to adjourn to the town of Huntsville and there Conclude their investigation and make their final report to His Excellency the Governor and have it published

A message from the House announced the appointments of Messrs Llewellyn Cope and Foote a committee to act in conjunction with the Senate Committee on the Governors Special message presenting battle flags &c

Mr Beasley moved to raise a committee on public buildings - carried.

Mr Cooper offered the following resolution.

Resolved that the Committee on Military affairs be and they are hereby instructed to inquire into the expediency of paying the Texas State Troops recently called into the field by the Governor through orders of the Confederate General Commanding this Military District for their services from the time they were mustered into service until disbanded by Genl Magruder, and report by bill or otherwise - Adopted.

Mr. Beasley offered the following

Resolved that the Judiciary committee be instructed to inquire into the expediency of passing a law disfranchising and Confiscating the property of deserters and report by bill or otherwise" Adopted.

Mr. Dickson offered the following:

Resolved that the Committee on Finance consider the propriety of levying a tax on specie payable in kind and report as may seem best. Adopted.

Mr. Rea moved to add Mr. Dickson and Mr. Guerin to Finance committee - carried.

Mr. Boyd introduced a Bill supplementary to the 9th section of an act regulating estates of deceased persons approved March 20 1848. Read 1st & 2nd time and ref'd to Judiciary Committee.

The committee on the Judiciary through their Chairman Mr. Harcourt to whom was refered a Bill to punish certain offences therein named reported a substitute therefor and recommended its adoption and passage.

Mr. Harter offered the following - Resolved that the resolution passed by the

Senate on the 6th inst excluding private bills from the Consideration of the Senate without the consent of three fourths of the members thereof present be and the same is hereby rescinded. Laid on the table one day for consideration.

Orders of the Day.

Joint Resolution from the House on the subject of raising Corn and other breadstuffs. Read 1st & 2nd time and referred to committee on State affairs.

Senates Joint Resolution requesting the President to place Genl Price in command of the Trans Mississippi Department and to send the Texas troops west of the Mississippi river on report of Committee on Military affairs - Read 2nd time.

Mr Quayle moved to strike out all of the resolution relative to removing all of the Texas Troops west of the Mississippi river.

Mr Hartley offered a substitute for the resolution and proposed amendment all of which he moved to refer to committee on Military affairs.

Mr. Ford Senator elect from the 32nd Senatorial district to fill the vacancy occasioned by the death of Mr. Scarborough presented his credentials took the oath of office and his seat.

On motion the report of Judiciary committee made this morning in the case of Contest between S. A. Darden and Hon Spencer Ford for the seat as Senator from the 25th Senatorial District was taken up. Mr. Maxey moved its adoption. Mr White asked to be excused from voting which being granted the report was adopted.

The Senate then adjourned until 10 oclk A. M. to morrow.

Thursday February 12. 1863
10 oclk A. M.

Senate met - prayer by the Chaplain. roll called Quorum present. Journal of yesterday was read and adopted.

Mr. Rea introduced a Bill to require District attorneys to report to the Comptrollers office in certain cases - Read 1st time

Mr. Reed introduced a Bill to attach the County of Kendall to a senatorial and Representative District. Read 1st & 2nd time and referred to the committee on State affairs.

Mr. Guinn introduced a Bill to regulate the prices of articles of prime necessity. Read 1st and 2nd time and referred to committee on State affairs.

Mr. Guinn also introduced a Bill to put down Speculation and extortion and to secure the resources of the country for the support of our armies and the families of our soldiers by regulating the price and sale of certain articles therein named Read 1st & 2nd time Mr. Hartley moved to refer the bill to Judiciary committee - Lost. It was then referred to committee on State affairs.

Mr. Maxey introduced a Bill to amend art 21. title 7. of the Code of Criminal procedure. Read 1st & 2nd time and referred to Judiciary committee.

Mr. Wheeler introduced a Bill to suspend all laws in relation to Estrays - Read 1st & 2nd time and referred to Judiciary committee.

The President announced as a committee on the part of the Senate on the Penitentiary Messrs Rea and Guinn. Committee on Public Buildings Messrs Beasley Moore of B. and Birney

The Resolution requesting the Governor to furnish certain information relative to sale of Bonds &c. &c. offered by Mr. Selman on a previous day was adopted.

Joint Resolution approving the Presidents proclamation Read 2nd time. Mr. Hartley moved to amend the Caption by inserting after "Proclamation" the words of date 23rd December 1862. Adopted. The resolution was then ordered to be engrossed.

The report of the committee on Agriculture adversely to a Bill to limit the planting and cultivation of cotton in this State for the year 1863 being in order Mr. Harcourt moved its adoption. Mr. Lea moved to postpone consideration on the subject until Monday next at 11 oclk A.M.

Mr Dickson moved the indefinite postponement of the whole subject which under the rule is a preference motion.

Pending this Question the Senate adjourned until 10 oclk A.M. tomorrow.

Friday February 13. 1863
10 oclk A.M.

Senate met - prayer by the Chaplain - roll called - quorum present. The journal of Yesterday was read and adopted.

Mr. Harcourt asked leave of absence for Mr. Moore of Bastrop until Monday morning next which was granted.

The President announced that a communication had been received by him which he would lay before the Senate for their action Whereupon Mr. Guinn moved its reference to a select committee without reading. carried. Messrs Guinn, Parsons and Dickson were appointed said committee.

Mr. Harcourt Chairman of the Judician Committee made the following report. "The Judician Committee have considered a Bill to prevent extortion and direct me to return the same to the Senate and recommend its reference to the Committee on State affairs."

On behalf of said Committee Mr. Harcourt Chairman also reported a bill supplemental to the 9th Section of an act regulating estates of deceased persons approved March 20. 1848 with a recommendation that it do not pass. Also a Bill to amend Art 960 of the Code of Criminal procedure and recommend its passage.

Mr. Hartley Chairman of the Committee on State affairs reported on behalf of the Committee a bill to attach the County of Kendall to a Senatorial and Representative District and recommended its passage. Also the following report "The committee on State affairs to whom was referred a Joint Resolution recommending to the Congress of the Confederate States the imposition of export duties on certain articles therein named have had the same under consideration and instructed me to report the same back to the Senate and recommend its passage with the following amendments.

In first Resolution strike out "thereby distributing the debt made by this unjust war upon all who consume our products"

In second Resolution strike out "the President of the Confederacy" and insert "our Senators and representatives in the Congress of the Confederate States"

Amend Caption by adding "recommending to the Congress of the Confederate States the imposition of export duties on certain articles therein named for certain purposes"

Orders of the Day

The question pending at the adjournment on yesterday being in order &c.

Hartley moved to suspend the rule so as to take up the resolution offered by him rescinding the resolution of the Senate relative to the consideration of private business. Lost.

Mr. Dickson then withdrew his motion made on yesterday to indefinitely postpone the whole subject then before the Senate. Whereupon the question recurring upon Mr. Lea's motion to postpone until Monday next at 11 oclk A.M. it was put and carried.

The report of the Judiciary Committee on a Bill to punish a certain offence therein named accompanying a substitute therefor was read. The substitute adopted. Mr. Lea moved to strike out the words "or from any other source" and the words "such as cotton or woolen goods" adopted.

Mr. Hartley moved to strike out the words "prime necessity" and insert "any article manufactured therein" adopted. Mr. Hartley also moved to strike from 3rd Section the words "fees of". Lost. The Bill was then ordered to be engrossed.

Resolution rescinding the Resolution relative to private business being read and the question being put on its adoption was lost.

The Report of the Committee on the Penitentiary relative to the duties of the Joint committee to examine into the affairs of that Institution was read. The question being on the adoption of the resolution proposed by that Committee as a substitute was put and carried.

Mr. Dickson moved to amend the resolution so as to allow the committee per diem pay after the adjournment of the Legislature during their investigations at Huntsville adopted. Mr. Maxey moved to strike out the words "have leave" and insert the word "immediately" adopted. The resolution was then adopted.

A Bill to require District Attorneys to report to the Comptrollers office in certain Cases. Read 2nd time and ordered to be engrossed.

Mr. White by leave offered the following resolution. "Resolved that the Resolution passed by the Senate that it will not entertain private bills shall not be construed to exclude legislation concerning localities where all the inhabitants are to be affected by the act." Lost.

Mr. Hartley moved to suspend the rule relative to the reception of private business that the Bill introduced by him to remit the taxes for the year 1862 upon property situated within the corporate limits of the towns of Sabine Pass, Galveston, La Vaca, Indianola, and Corpus Christi might be considered. Mr Hartley by leave withdrew the motion Whereupon the Senate entertained the bill and referred it to the Committee on Finance.

The Senate then adjourned until to morrow morning at 10 oclk

Saturday February 14. 1863
10 oclk A. M.

Senate met. Prayer by the Chaplain. roll called - Quorum present. The journal of yesterday was read and adopted.

Mr. Guinn Chairman of the select committee to whom the communication announced by the President on yesterday was referred reported that the Committee had considered the same and were of the opinion that the Senate had no jurisdiction of the subject matter presented. The communication was returned to the President.

A message was received from the House informing the Senate of the appointment of a committee on their part to act in conjunction with a com

mittee of the Senate to proceed forthwith to the Cotton Card manufactory of Messrs. Eubanks in Williamson County and report as soon as practicable the operation and condition of the same.

Mr. Harcourt chairman of the Judiciary committee on behalf of that committee reported upon the suggestion and recommendation of the County Court of Washington County relative to the proscription of negroes to work on fortifications and prohibiting negroes from owning property that the proposed legislation was unnecessary.

Mr. Harcourt introduced a Joint Resolution relative to Monopolies. Read 1st & 2nd time and referred to Committee on State affairs.

Mr. Gunn introduced a Bill to amend an act to define and punish sedition and to prevent the dangers which may arise from persons disaffected to the State approved January 13. 1862 - Read 1st & 2nd time and referred to Judiciary Committee.

Mr Harten introduced a Bill to appropriate 200000$ to be expended for the relief of the sick and wounded soldiers of the State of Texas in the Army of the Confederate States - Read 1st & 2nd time and referred to committee on State Affairs.

Mr Maxey introduced a Bill to appropriate money to pay troops in the State service. Read 1st & 2nd time and referred to Committee on Military affairs.

Mr. Moore of Davis introduced a Bill to authorize the County Courts to establish a Tariff of Prices. Read 1st & 2nd time and referred to Committee on State affairs.

Mr. Reed introduced a Bill to incorporate the Comal Manufacturing Company Read 1st & 2nd time and referred to Committee on State affairs by a 3/4 vote.

Mr Weatherford introduced a Bill requiring the Clerks of the County Courts of Texas to procure a book which shall be called the black book. Read 1st & 2nd time. Mr. Harten moved to refer to Judiciary Committee lost. The bill was then referred to committee on State affairs.

Mr. White introduced a Joint Resolution to restrain the exercise of illegal Military authority in the State of Texas - Read 1st & 2nd time and referred to committee on State affairs

Mr. Neal introduced the following; "Resolved by the Senate the House concurring, that a joint committee of the two Houses consisting of three from the Senate and five from the House be appointed to inquire into the propriety of the State of Texas establishing a manufactory at Huntsville in connection with the State Penitentiary for the purpose of making spinning jennies and report by bill or otherwise". Adopted

Orders of the Day

A Bill to requie District attornies to report to the Comptrollers office in certain cases Read 3rd time and passed.

The report of Judiciary committee on a bill to punish extortion recommending its reference to Committee on State affairs was adopted

The report of Committee on State affairs upon a Joint Resolution recommending to the Congress of the C S the imposition of export duties on certain articles therein named recommending amendments being considered, the resolution was read 2nd time and amendments adopted. Mr Harcourt moved to postpone further consideration until Tuesday, next at 11 o clk A. M. - carried.

A Bill to amend art 960 of the Code of Criminal procedure - Read 2nd time and ordered to be engrossed.

A Bill supplemental to the 9th section of an act regulating estates of deceased persons approved Mar 20. 1848 on the report of the Judiciary Committee recommending that it do not pass was read 2nd time. The question on the adoption of the report being taken was carried.

A Bill to attach the County of Kendall to a senatorial and representative District. Read 2nd time and laid on table.

Messrs Wheeler Ford and Weatherford were announced as a committee on the part of the Senate under Mr. Wheeler's resolution to raise a joint committee to inquire into the propriety of establishing a manufactory at Huntsville in connection with the Penetentiary for the purpose of making spinning jennies.

Mr. Dickson offered the following "Resolved That a committee of two on the part of the Senate and three from the House be raised to examine specimens of the work of the Messrs Eubank in the manufacture of Cotton and wool Cards and that they report upon the propriety of extending aid to the enterprize so that these necessary articles may be placed in the hands of our citizens at reasonable rates" adopted, as a substitute for the action of the House reported this morning.

On Motion the Senate adjourned until 10 o'clk A. M. on Monday next.

Monday Febry 16. 1863
10 o'clk A. M.

Senate met. roll called. Quorum present. The journal of Saturday was read and adopted.

Mr. Andrews one of the Committee on Engrossed Bills reported the following correctly engrossed.

A Bill to amend the 960 article of the Code of Criminal proceedure and

A Bill to amend an act to furnish Specifications in Certain Cases.

Mr. Maxey introduced a bill to impose a tax on unlocated land certificates - Read 1st & 2nd time and referred to Committee on Finances.

Mr. Beasley introduced a Bill to amend the 1st Section of an act passed 1st January 1862 suspending the Collection of debts. Read 1 & 2 time and referred to Finance committee.

Mr Parsons offered the following "Resolved by the Senate That the Treasurer of the State of Texas be required to furnish to the Senate a report or statement of all the monies paid out by him under and by virtue of an act entitled "an act supplementary to an act making an appropriation to pay Contingent expenses of the ninth Legislature" appd 9. Decr 1861 which said supplemental act was passed Jan 9 1862 which said report or statement shall show to the Senate all the monies paid out by virtue of said act, the persons to whom the same were paid, on what account, and out of what kind of funds and from what fund such payments were made." Adopted.

Mr. Gurrin moved to reconsider the vote of the Senate taken on Saturday adopting the report of the Judiciary committee adversely to a Bill supplemental to the 9th section of an act regulating estates of deceased persons appd Mar. 20. 1848. Carried.

On motion the Senate adjourned until 10 o'clk A. M. to morrow.

Tuesday Febry. 17. 1863
10 o'clk A. M.

Senate met. Prayer by the Chaplain. roll called. Quorum present. The journals of Yesterday was read and adopted

Mr. Marcont chairman of Judiciary committee on behalf of that committee reported a bill to amend an act to define and punish Sedition and to prevent the dangers

which may arise from persons disaffected to the State appd Jany 13 1862 and recommended its passage.

Mr Andres one of the Committee on Engrossed bills reported a Joint Resolution approving the Presidents proclamation of Decr 23. 1862. Correctly engrossed.

Mr Shepard one of the Committee on State affairs on behalf of that Committee reported a substitute for a bill referred to them appropriating 200000$ for the relief of the sick and wounded soldiers of the State of Texas in the army of the Confederate States.

Mr Maxey one of the Committee on State affairs on behalf of said Committee asked to be discharged from the further Consideration of a Joint Resolution restricting the trade in cotton through the Port of Brownsville

Mr Beasley Chm of Committee on Public buildings made the following report.

"The Special Committee on Public buildings to which a resolution on that subject was referred instructing said Committee to examine into the condition of the Public building preservation of the records papers &c ask leave to make the following report.

We have examined the condition of the Capitol and the papers books &c in the same and find the house in a leaky and ruinous condition the papers book &c damp and mouldy and are of opinion if not soon put in a better state of preservation must come to nought. The Land office we find in the same condition together with the papers records &c and are informed by the officers of that Department unless something is done towards repairing the roof of that building he will have to abandon the office, all of which is respectfully submitted with the accompanying bill."

A Bill appropriating 10000$ or so much thereof as may be necessary for repairing the roof of the Capitol and Land offices. Read 1st time

A message was rec'd from the Governor in response to Mr Selmans resolution relative to the disposition of the State bonds and is as follows

See appendix page 330 of this book

Mr Cooper introduced a bill to amend the 585th article of the Code of Criminal procedure Read 1 & 2. time and referred to Judiciary Committee.

Mr White introduced a Bill to regulate the branding of stock Cattle. Read 1st & 2nd time and referred to Committee on Agriculture

Mr Guinn introduced a Bill to punish those who take the Alien oath and refuse a participation in our struggle. Read 1 & 2. time and referred to Judiciary Committee

Mr Hartley Chm of Committee on State affairs on behalf of said Committee reported back a Bill to Incorporate the Penal Manufacturing Company with the following Amendments. 1st 1. see after "property" in 12. line insert "such as may be necessary to carry out the objects of the Corporation as set forth in the 2nd section of this act" 2nd 2nd section strike out " or such other articles as said Company may at any time choose to manufacture." Strike out Sections 7. & 8.

Mr Lair introduced the following "Resolved. That with the Concurrence of the House when we adjourn on Saturday 28th inst that we adjourn sine die" Laid on table.

A Message was received from the House informing the Senate that the House had raised a committee of three to act in conjunction with a like Committee from the Senate to prepare an address to our Soldiers in the field, and had appointed on their part Messrs Cone, Simpson & Williams that Committee. Also that they had passed the following bills which on motion of Mr Guinn were read 1 & 2. time and severally referred as follows.

A Bill to reduce the number of Clerks in the Land office and prescribing certain restrictions thereon. Referred to Com. on Land office.

A Bill to release to the heirs of Col B. F. Terry all the right title and interest of the State of Texas in and to the property owned by said Terry at the time of his death and devised by last will. Refrd to Judiciary committee by 3/4 vote.

A Bill to amend the 19. 20 & 27 sections of an act to regulate proceedings in the County Courts pertaining to estates of deceased persons appd March 20 1848. Referred to Judiciary Committee.
A Bill in relation to proceedings in counties in possession of or endangered by the enemy. Referred to Judiciary Committee

A Bill to incorporate the Dallas Male and female academy. Refers. to Com. on Education by 3/4 vote

A Bill to revive and continue in force an act to incorporate the Galveston and Houston junction Rail Road Company appd Apl 5. 1861 and to amend said act. Refers. to Com. on Internal Improvements.

A Bill to repeal an act to amend the 1st & 11th sections of an act to authorize the sale of the public domain appd Feb 11 1858 appd Jan 1. 1862 Refers. to Com. on Pub lands.

A Bill to prescribe the residence of County Surveyors. Refd to Judy Committee.

A Joint Resolution in relation to the indebtedness of the Confederate States. Refers. to Committee on State affairs.

A Bill to suspend all statutes of limitation as civil rights of action of every kind real or personal until One year after the close of the war between the U.S and the C. States. Refers. to Judiciary Committee

A Bill to suspend the operation of the Stray laws for and during the existence of the present war and for six months after its termination except in certain cases Refers. to Com. on State affairs

The Message of the Governor was taken up and read and referred to the joint committee raised to investigate the acts of the Military Board.

In response to the Message of the House calling for a joint Committee to prepare an address to the Soldiers in the field Messrs Burney and Gurley were announced as a Committee on the part of the Senate.

Orders of the day

A Bill to limit the planting and cultivation of cotton in the State during the year 1863. being special order was read 2nd time. Mr Lea moved to lay the report of the Committee on the table upon which the Yeas and Nays were called. Mr Harcourt moved a Call of the Senate which was sustained., Messrs Casey and Moore of B. were excused. The Yeas and Nays were as follows.

Yeas Messrs Beasley, Boyd Burney Cook Cooper Crawford Durant Graham Gurley Harkey Lea. Lee Maxey Parsons Quayle Shepard Weatherford and Wheeler 18.

Nays Messrs Anders, Battle, Dickson, Ford, Harcourt, Hord Moore of D. Reed Seiman & White 10.

Mr. Lea offered a substitute which was adopted.

Mr. Harcourt moved that the further Consideration of the subject be postponed until Tuesday 19th inst at 11 o'clk A. M. Carried.

A Bill to amend art 660 of the Code of Criminal procedure. Read 3rd time and passed.

A Bill to amend an act to punish speculation in certain cases Read 3rd time Mr. Hord offered the following Amendment. Section — That if any military or civil officer of the C.S. or of this State or any agent Contractor or employee of the C.S. or this State shall in Color of the authority he may have as such officer agent or employee seize any wagon Cart or other vehicle or any teams of oxen Horses or mules the property of any citizen of this State he shall be punished by confinement in the Penitentiary not more than and it shall be no defense to plead the order of a superior officer; Provided that if it appear that the safety of the army or any portion thereof was promoted by such service and that the danger from

the enemy was imminent the person so seizing shall not be deemed guilty."

The Amendment was withdrawn and the bill passed.

A Bill supplemental to the 9. section of an act regulating estates of deceased persons appd. Mar. 20 1848. - referred to Judiciary Committee

The report of the Judiciary committee recommending that legislation is unnecessary upon the suggestions of the County Court of Washington County, relative to the Conscription of Negroes was laid on the table.

A Joint Resolution recommending to the Congress of the C. S. the imposition of an export duty on certain articles therein named. Read 2nd time. Mr. Shepard offered the following Amendment Strike out all of 1st Sec. after the word "same" in 4th line from bottom

The bill was then referred to select committee of Five, whereupon Messrs Graham Shepard. Durant, Dickson, and Lea were appointed the Committee

The President announced a communication from the Treasurer responsive to the Senate resolution which communication is as follows.

(See page 330 of this book.)

Refer. to Finance committee

The Senate then adjourned until to morrow 10 oclk A. M.

Wednesday February 18. 1863
10 oclk A. M.

Senate met Prayer by the Chaplain roll called. Quorum present. The journal of Yesterday was read and adopted.

Mr. Harcourt Chmn. of the Judiciary Committee on behalf of that committee reported the following bills and recommended their passage.

A Bill in relation to judicial proceedings in counties in possession of or endangered by the public enemy.

A Bill to prescribe the residence of County Surveyors.

A Bill to amend the 19. 20. & 47 sections of an act to regulate proceedings in the County Courts pertaining to estates of deceased persons appvd. Mar 20. 1848 and

A Bill to release to the heirs of Col B. F. Terry all the right title and interest of the State of Texas in and to the property owned by said Terry at the time of his death and devised by his last will Also the following bills with a recommendation that they do not pass

A Bill to amend the 1st Sec. of an act passed 1st day of January 1862 suspending all laws for the Collection of Debts.

A Bill to amend the 585th Art of the Code of Criminal procedure.

A Bill supplemental to the 9. Sec. of an act regulating estates of deceased persons appd. Mar 20. 1848. And the following bills with Amendments recommending their adoption and the passage of the bills to wit: Bill to suspend all statutes of limitation on civil rights of action of every kind whether real or personal until one year after the close of the war between the United States and the Confederate States.

Amendments: After the words "United States" in Sec. 2. insert "Provided that the limitation upon all rights of action for injuries done to the person of another as of assault, battery, wounding or imprisonment and for injuries done the character or reputation of another as of libel or slander shall not be suspended by the provisions of this act."

Mr. Hartley Chmn. of Committee on State affairs on behalf of that committee reported the following bills and recommended their passage.

A Bill to suspend the operation of the Stray laws during the existence of the present war and for six months after its termination except in certain cases

A Joint Resolution in relation to the indebtedness of the Confederate States.

Mr. Battle Chmn. of Committee on Agriculture on behalf of that committee re

ported a bill to regulate Stock Branding and asked to be discharged from its further consideration.

Mr. Casey Chmn. of the Committee on Military affairs on behalf of that committee reported as a substitute for the several resolutions bills and matters referred to them, A Bill for the organization of the State Troops and prescribing who shall be liable to Militia duty.

Mr. Dawson Chmn. of Com. on Internal Improvements reported on behalf of that committee a Bill to revive and continue in force an act to incorporate the Galveston & Houston junction railroad Company appd Apl. 8. 1861 and to amend the same and recommended its passage.

Mr. Maxey one of the Committee on State affairs on behalf of said committee reported a substitute for the following bills which had been referred to them. : Bill to put down speculation and extortion and to secure the resources of the country for the support of our armies and the families of our soldiers by regulating the price of certain articles therein named: Bill to punish extortion. Bill to regulate the prices of articles of prime necessity: and bill to authorize the County Courts of the State to establish a tariff of prices:

Mr. Ford Chmn. of select Committee made the following report

"The special Committee to whom was referred Joint Resolution expressive of the sense of the Legislature in relation to the ultimate redemption of the Confederate notes. together with the amendments proposed have had the same under Consideration and I am directed by a majority of the Committee to report that the measure proposed in the resolutions is likely to prove one of vital importance in the future administration of the government and to which the State should not hastily or in its creation be committed, but which should be done if at all only after mature deliberation and investigation which for want of time and facilities cannot at this time be had It is not conceived that there is any pressing necessity for immediate action upon the proposition Contained in the resolutions and without expressing any opinion upon its merits it is recommended that the Senate take no action upon the resolutions at this time"

Mr. Orr introduced a joint resolution in regard to trade. Read 1 & 2. time and referred to committee on State affairs

Mr Ford also introduced a Bill to punish certain persons for unlawful seizures of wagons teams &c Read 1 & 2 time and referred to Judiciary Committee.

A message was rec'd from the House informing the Senate that the House had passed Senates Joint Resolution returning thanks to our officers and soldiers in the army of the Confederate States. Also that that body had concurred in the action of the Senate on the resolution relative to the investigation of the Penitentiary by the Joint committee appointed for that purpose that Messrs Porter Charlton Mather Rhea and Marshall had been appointed committee on the part of the House to inquire into the expediency of establishing in connexion with the penitentiary machinery for the purpose of making spinning jennies and that Messrs Llewellyn Foote and Coe were appointed a committee on the flags of L & L Texas &c &c. that the House had also passed the following bills

A Bill to attach Kendall county to the 4th Judicial district and providing for the time of holding the Courts in said district. A Bill to regulate the sale of beef cattle and to require butchers to keep and return lists of the cattle slaughtered by them and to prevent the sale of Calves for slaughter without branding. A Joint resolution tendering thanks to Gen. Magruder officers and men. Also transmitting a message from the Governor as follows.

(See page 332 of this book)

which on motion was read and referred to Committee on State affairs

Mr. Gurley offered the following Resolved that the Treasurer be required to furnish the Senate with a statement of the funds in the Treasury and what kind of funds, what amount thereof is subject to appropriation and that the Comptroller furnish an estimate

of the amount likely to accrue from all sources for the present year 1863." Adopted.

Mr. Ford offered the following "Resolved that the Committee on Military affairs be instructed to inquire into the expediency of establishing a state armory for the manufacture of small arms and report by bill or otherwise". Adopted

Orders of the day

A Joint Resolution approving the President's proclamation of Dec 23. 1862. Read 3rd time. Mr. Quayle moved to strike out 2nd resolution. Carried. Mr Hartley moved to amend as follows "2nd That the Governor be requested to forward a copy of this resolution to the President of the Confederate States" Adopted. Mr. Shepard moved to insert the word "Cordially" before the word "Approve". Adopted. The bill was then passed.

A Bill to amend an act to define and punish sedition and to prevent the dangers which may arise from persons disaffected to the state appd May 13. 1862 Read 2nd time.

Mr. Harcourt moved to amend by striking out all after the words "service of this state and insert "or shall by words or actions stir up a spirit of discontent and insubordination among the people or attempt to impede the action of the Military authorities" Mr. Hartley moved to refer the bill and Amendments to Judiciary Committee. Lost. Mr. Heatherford moved to reconsider. Carried. The question was then taken on Mr. Hartleys motion to refer and Carried.

Mr Harcourt offered the following. "Resolved that the Secretary of the Senate is instructed to subscribe for one hundred Copies of the Texas Almanac extra during the session of the Legislature for the use of the Senate, provided a synopsis of all the proceedings of this legislature be published therein". Adopted.

A Bill appropriating 200.000$ for the relief of our sick and wounded soldiers in the C.S. army on report of Committee on State affairs reporting substitute. Therefor - Read 2nd time. Substitute adopted and ordered to be engrossed - Rule suspended - Read 3rd time and passed.

On Motion the Secretary was instructed to request of the House that they return to the Senate the documents accompanying the Governor Message

The Senate then adjourned until 9 o'clk A M to morrow.

Thursday Febry 19. 1863
9 o'clk A. M.

Senate met. Prayer by the Chaplain. roll called. Quorum present. The journal of yesterday was read and adopted.

Mr. Burney chm of committee on Public Lands on behalf of that committee reported recommending the passage of a bill to repeal an act to amend the 10 & 11th sections of an act to authorize the sale of the Public domain appd Oct 11. 1858" appd Jan 1. 1862 with the following amendment. At the end of Caption add "and to suspend the operation of all laws authorizing the sale of alternate sections of land surveyed reserved to the State or of other reservations". Amend the 1st section by striking out all after the word "repealed" in 5th line to end of section and add "Sec 2 That all laws authorizing the sale of alternate sections of land surveyed and reserved to the state or of other reservations and of the sale of land scrip to be located on such reserved sections or other reservations are hereby suspended until six months after the close of the war between the Confederate States and the United States and this act take effect and be in force from and after its passage"

On Motion Messrs Moore of B. Ford and Cooper were added to committee on Military affairs.

Mr. Cooper introduced a Joint Resolution in relation to exemptions and requesting Congress to reduce the pay of officers and increase the pay of privates in the Confederate Armies.

Read 1st & 2. time and referred to committee on Military Affairs.

Mr. Parsons introduced bill to incorporate the Texas lead and copper mine company. Read 1. & 2. time and referred to Judiciary Committee by ¾ vote.

The President announced the following communication from the Treasurer which was read and referred to committee on Finance.

(See page 332 of this book)

Orders of the Day.

A Joint Resolution restricting the trade in Cotton through the port of Brownsville. Read 2nd time and referred to Committee on State affairs.

A Bill appropriating 10.000$ or so much thereof as may be necessary for recovering the Land office and Capitol buildings. Read 2 time. Mr Burney moved to strike out 10000$ and insert 15000$. adopted. Mr. Gunn moved to amend so as to include the old Land office and Treasury building and to strike out 15000$ and insert 20000$ adopted. Mr. Burney moved to insert "Secretary of State" "Commissioner of the Genl Landoffice, Treasurer and Comptroller. Adopted. Mr. Gunn offered the following amendment "Provided that the Commissioners under this act shall not be authorized to pay more than one half the Contract price until sufficient time shall have elapsed after the completion of the work to allow the roofs to be thoroughly tested and proven waterright" Mr. Parsons moved to re-refer the bill and Amendment to Committee on Public buildings. Mr. Beasley moved to amend by substituting Judician Committee. Accepted. The question to refer was put and lost. Mr Durant moved to refer to Committee on Internal Improvements. Mr. Parsons moved to amend by substituting Committee on Public buildings. Question on the amendments was put and carried.

Mr. Rea chm. of Finance Committee. On behalf of that Committee made the following report

(See 333 page of this book)

A Bill to provide a specie fund to aid tax payers in the payment of their specie tax. Read 1st time.

Mr. Rea also made report on bill to remit taxes on property within certain limits and recommended that it do not pass

Mr Leasey Chm of committee on Enrolled bills reported a Bill appropriating 200.000$ for the relief of the sick and wounded soldiers in the Army correctly engrossed.

A message was rec'd from the House informing the Senate that the House had passed the following bills.

A Bill for the relief of parties holding land under Genl Monroe.

A Joint Resolution requesting the Governor to solicit the detail and exemption of certain persons therein named to work in Messrs Dibanks & Cotton Card factory.

On motion of Mr. Burney the joint Resolution was taken up. Read 1. time. Rule suspended Read 2. time. Mr. Ford offered the following amendment. Strike out "detail" and insert "furlough" and strike out "exempt" and insert "furloughed". Passed to 3rd reading. Rule suspended Read 3rd time and passed.

A Bill to regulate the Cultivation of Cotton being the special order was read 2nd time. Mr. Cooper moved to strike from 8th line 1st Section the word

"third" and insert "Fifth". Mr. Durant offered the following as a substitute for the amendment. Strike out in 1st. Lea. the word "third" in 8th line and insert "fourth" Mr. Gurrin moved to lay the amendments on the table Carried.

The Senate then adjourned until 3 oclk P M.

3 oclk. P M.

Senate met. roll called. Quorum present.

A Bill to regulate the Cultivation of Cotton. being under Consideration Mr. Gurrin offered the following Amendment. insert. "The Governor shall upon the passage of this act issue his proclamation to the planters of this state setting forth the provisions of this act." Adopted.

The Senate then adjourned until 9 oclk A. M to morrow.

Friday Feby 20. 1863.

9 oclk A. M.

Senate met. Prayer by the Chaplain. roll called. Quorum present. The journal of the preceding day was read and adopted.

Mr Casey introduced a Bill to appropriate 1000$ to pay the expenses of taking up committing Keeping and Conveying to the Penitentiary runaway slaves Read 1. & 2. time and referred to Committee on Finance.

Mr Gurrin offered the following resolution "Resolved that the Secretary of the Senate be authorized to allow the publisher of the Almanac & Ora the use of the journals of the Senate provided the said journal shall not be kept from his custody more than One Day" Adopted.

Mr Cooper offered the following. "Resolved that no new business shall be received in the Senate for its action after Monday Next except such as may come from the House of Representatives" laid over one day for consideration.

Orders of the Day

A Bill to regulate the Cultivation of Cotton. being under Consideration when the Senate adjourned on Yesterday. was taken up. Read 2nd time

A message was received from the House. informing the Senate that the House had passed a Joint Resolution tendering thanks to Majr. C. M. Watkins.

A Joint Resolution requesting our Senators and Representatives in the C. S. congress to take into Consideration the propriety of Modifying the exemption laws.

A Bill to authorize the establishment of ferries at the Crossing of the Waco and Austin road on the Campasas and Leon Rivers in the County of Bell without obtaining license

A Bill declaring void any sale made by the public enemy who may occupy any portion of the territory of the State of Texas.

The question being upon the bill to regulate the cultivation of Cotton whether it shall be engrossed. Mr. Dickson moved a call of the Senate which was declined. On Mr. Parsons motion the Call was suspended. and the Senate adjourned until 3 oclk P. M.

3 oclk. P. M.

Senate met. roll called. Quorum present.

The Consideration of the bill to regulate the Cultivation of Cotton being before the Senate; The President announced the following Communication from the Treasurer which on motion was taken up and referred to Committee on Finance.

(See page 335 of this book)

Mr. Lea occupying the floor gave way to a motion to adjourn Whereupon the Senate adjourned until 9 oclk A. M. to morrow.

Saturday Febry 21 1863
9 oclk A. M.

Senate met. Prayer by the Chaplain. Roll called. Quorum present. The journal of yesterday was read and adopted.

Mr. Dickson chmn of Committee on Education on behalf of said committee reported a bill to incorporate the Dallas male and female college recommending its passage with the following amendment. strike out after the word "Dollars" all of third section.

Mr. Casey one of the Committee on the Judiciary on behalf of the majority reported a Bill authorizing judgments to be rendered requiring property levied upon by execution to bring two thirds of its appraised value in certain cases. and recommended the adoption of the substitute presented;

Mr. Ford chmn. of Committee on Enrolled bills reported a Joint Resolution tendering the thanks of the people of Texas to our soldiers in the army correctly enrolled, properly signed and this day presented to the Governor for his approval.

Mr. Maxey moved that the Committee on Military affairs be instructed to report on a bill referred to them giving land to the Texas officers and soldiers in the war on Monday next. Mr. Maxey withdrew the motion Whereupon Mr. Casey chmn. of that Committee reported the bill and recommended its reference to committee on Public Lands. On motion of Mr Gurrin the report was taken up and Adopted

On motion of Mr. Moore of B. Mr. Parsons was added to committee on Public buildings; and on Mr. Burneys motion Mr Maxey was added to committee on public Lands.

A message was received from the House informing the Senate that the House had passed the following bills

A Bill to incorporate the Jackson Manufacturing Company

A Bill to authorize the County Courts of Bastrop and other Counties herein named to regulate the pay of Sheriffs in certain Cases.

A Joint Resolution on the subject of increasing the pay of the private soldiers in the Confederate Army.

Order of the day.

A Bill to regulate the Cultivation of Cotton being under consideration at the time of adjournment was taken up. Pending the Question of engrossment of the bill the Senate adjourned until half past 3 oclk P. M.

3½ oclk P. M.

Senate met. Roll Called. Quorum present.
The question before the Senate being upon the engrossment of the bill to regulate the cultivation of Cotton, Mr. Quayle moved the previous question which was ordered. Mr. Dickson moved a call of the Senate which was sustained. The Senate being full with the exception of Mr. White Mr. Gurrin proposed to pair off with the privilege of recording their votes on Monday. The main question shall the bill be engrossed was then put and the yeas and nays were as follows.

Yeas Messrs Beasley, Boyd, Burney, Cooper, Crawford, Durant, Graham, Lea, Lewis, Maxey, Parsons, Quayle, Weatherford, Wheeler 14.

Nays. Messrs Andres. Batte, Casey, Cook, Dickson, Ford, Marcont, Markey Nord, Moore of C. Moore of B. Reed, Selman, Shepard. 14.

There being a tie vote the President rose and said. "I am sorry that the responsibility of deciding this important question - a question that in the minds of honorable Senators is of vital importance has fallen upon me. I dislike very much to be compelled to cast such a vote, without an opportunity of giving my reasons for it, and I hope that the Honorable Senators will afford me that opportunity to get before the final passage of the bill. I have desired very much to investigate the questions fully, but I have not had time to do so. I am prepared however to cast my vote. I cast it for the preservation of the institution of slavery - for the protection of the slave holder - I cast my vote in favor of Government the only security of property. I vote yea." So the bill was ordered to be engrossed.

On Mr. Parsons motion the following House bills were taken up and read severally 1 & 2 time and referred as follows.

Joint Resolution on the subject of increasing the pay of the private soldiers in the Confederate army. Refer'd to Committee on Military affairs.

A Bill authorizing the County Courts of Bastrop and other Counties herein named to regulate the pay of Sheriffs in certain Cases. Refer'd to Judiciary Committee.

A Bill to incorporate the Jackson manufacturing Company. Refr'd to Judiciary Committee

A Bill declaring void any sale made by the public enemy who may occupy any portion of the territory of the State. Refer'd to Judiciary committee.

A Bill to authorize the establishment of ferries at the Crossing of the Bosco and Austin road on the Campasas and Leon rivers in the County of Bell without obtaining license Refr'd to Com on Roads, Bridges, and Ferries.

Joint Resolution relative to modification of the exemption laws Refr'd to Com. on State affrs.

A Bill to regulate the sale of beef cattle and to require butchers to keep and return lists of the cattle slaughtered by them and to prevent the sale of Calves for slaughter without branding. Refr'd to com. on State affrs

A Bill to attach Kendall county to the fourth Judicial district and providing for the time of holding Courts in said district Refer'd to Judiciary Committee.

Joint Resolution tendering thanks to Majr A. M. Watkins Refr'd to com on State affrs.

Joint Resolution tendering thanks to Genl Magruder officers and men Refr'd to com. on State affrs.

Mr. Cook by leave introduced a bill for the purpose of carrying into effect the proclamation of the President of the Confederate States dated day of 186 Read 1 & 2. time and refr'd. to com on State affrs.

On motion the Senate adjourned until 9 o'clk A. M. Monday next.

Monday Febry 23. 1863

9 o'clk A. M.

Senate met. Prayer by the Chaplain. roll called quorum present. The journal of Saturday was read and adopted.

Mr. Burney presented the petition of the Ladies of McKennan county praying for the passage of a law preventing the distillation of liquors &c. Read and refr'd to committee on State affrs.

Mr. Casey Chmn. of Com on Engrossed bills reported correctly engrossed a bill to regulate the Cultivation of Cotton.

Orders of the Day.

The President announced a communication from the Comptroller as follows (See page 336 of this book) Refr'd to Finance Committee

On motion of Mr. Cooper the resolution relative to new business was taken up. Mr. Ford moved its indefinite postponement. carried.

A Bill for the relief of parties holding lands under Daniel Monroe. Read 1. & 2 time and refer'd to Com. on public Lands by 3/4 vote.

Joint Resolution relative to the ultimate redemption of Confederate Notes on report of the Select committee recommending that no action be taken at this time. Read 2nd time and report adopted.

A Bill to amend the 583rd article of the Code of Criminal procedure on report of Judiciary committee recommending that the bill do not pass. Read 2nd time and report adopted

A Bill supplemental to the 9th Section of an act to regulate the estates of deceased persons appd. Mar 20. 1848 on report of Judiciary Committee recommending that it do not pass. Read 2nd time and report adopted.

A Bill for the organization of State troops and prescribing who shall be liable to Military duty reported by the Committee on Military affairs as a substitute for the several bills and matters refer'd to them was read and adopted.

Mr. Marcomt moved to strike from 1st Section "18" and insert "17" strike out "50" and insert "55". Mr. Casey Called for a division of the Question. Mr. Guirin moved to lay the proposed amendments on the table. Carried.

Mr. Moore of Bastrop moved to amend 2nd Section so as to exempt one miller for each steam or water Mill that grinds for the public and one engineer for each steam mill"

Mr. Guirin proposed as an amendment to the amendment the following "exempt. Superintendent and employees of the Lunatic Asylum" Adopted Mr Moores amendment was then adopted.

Mr Lea proposed as an amendment "superintendent and employees of deaf & dumb and blind asylums" adopted

Mr. Marcomt moved to strike out the second Section

Mr. Durant moved the indefinite postponement of the bill and amendments. Mr. Durant withdrew the motion whereupon Mr Lea moved the re-reference of the bill to the Committee on Military affairs. Lost.

Mr Parsons moved to lay Mr. Marcomts motion to strike out 2nd section on the table upon which the yeas and nays were called. and stood thus.

Yeas. Messrs Boyd Burney, Casey Cook Crawford. Dickson Ford Graham Guirin Hartley Hord Lea, Moore of D. Moore of B. Parsons, Reed, Selman Shepard Weatherford & White 20.

Nays. Messrs Andres Batte Beasley, Cooper Durant, Marcomt Cain Maxey Quayle and Wheeler. 10.

Mr. Moore of D. moved to strike out all that portion of the bill which exempts members of the Legislature.

Mr. Parsons moved to lay the amendment on the table. upon which the yeas and nays were called and stood thus.

Yeas Messrs Andres, Batte Boyd, Burney, Casey, Cook, Cooper, Crawford Ford, Guirin, Hartley, Hord, Lea, Moore of B. Parsons Reed Selman, and Shepard 18.

Nays. Messrs Beasley, Durant, Graham, Marcomt, Cain, Maxey Moore of D. Quayle Weatherford & White. 10.

Mr Quayle moved to postpone further consideration of the bill until to morrow evening at 3 oclk. Carried.

A Bill to provide a Specie fund to aid taxpayers in the payment of Specie taxes read 2nd time Mr. Guirin moved to postpone until to morrow at 11 oclk A.M. Carried

Mr. Guinn and Mr. White recorded their votes on the engrossment of the bill to regulate the cultivation of Cotton Mr. Guinn voting Yea and Mr. White Nay.

A Bill to amend the 1st section of an act passed 1st day of Janry 1863 suspending the collection of debts on report of the Judiciary Committee recommending that it do not pass. Read 2nd time and the Report adopted.

A Bill to regulate Stock branding. Read 2nd time and on motion laid on table

The report of the Committee on State affairs reporting a substitute for several bills to that committee refered upon the subject of speculation and extortion was on motion made the special order for Wednesday the 25th at 10 oclk A M.

A Bill authorizing judgments to be rendered in certain Cases requiring property levied upon by execution to bring nine tenths of its appraised value Read 2nd time. substitute reported by the committee adopted.

Mr. Casey moved to amend by inserting the word "second" in 3rd Section before the word "Sections" Adopted. The bill was then ordered to be engrossed

Mr. Casey moved to amend by suspending the rule - lost

A house bill to suspend all statutes of limitation on civil rights of action of every kind until one year after the close of the war upon the report of the Judiciary committee recommending amendments. Read 2 time, amendments adopted and bill passed to 3rd reading Rule suspended bill read third time and passed.

House Joint Resolution in relation to the indebtedness of the Confederate States &c. 2nd time and passed to 3rd reading. Rule suspended. Mr Hartley moved to strike out the words "assumption and" in 5 line of 1st Section - lost Read 3. time and passed.

A House bill to suspend the operation of the Statute laws for and during the existence of the present war and for six months after its termination Read 2nd time and passed to 3rd reading Rule suspended bill read 3 time and passed

A Bill to revive and continue in force an act to incorporate the Houston & Galveston junction rail road Company. Read 2nd time and passed to 3rd reading Rule suspended Read 3rd time and passed by the following vote:

Yeas Messrs Andrews Batte, Beasley, Boyd, Burney Cook, Cooper Crawford, Dickson Dierart, Ford, Guinn, Harcourt Hartley, Hord Lea Lair, Mayes, Moore of A. Moore of B. Parsons Quayle, Reed Selman Shepard & Wheeler. 24

Nays. Messrs Casey Graham & Weatherford. 3

A Bill to release to the heirs of Col B. F. Terry all the right title and interest of the State of Texas in and to the property owned by said Terry at the time of his death &c Read 2 time and passed to 3rd reading Rule suspended Read 3rd time & passed.

A Bill to amend the 19 20 & 47 sections of an act to regulate proceedings in the County Courts &c.

On motion the Senate adjourned until 9 oclk A M to morrow.

Thursday Febry 26 1863
9 oclk A. M.

Senate met. Prayer by the Chaplain. roll called Quorum present. The journal of Yesterday was read and adopted.

Mr. Casey Chmn of com. on Engrossed bills reported Correctly engrossed a Bill authorizing judgments to be rendered requiring property levied on by execution or sold under deed of trust or mortgage to bring 9/10 (nine tenths) of its appraised value in certain Cases

On Motion the Senate proceeded to the election of an assistant Doorkeeper. Nominations being in order, and Mr. Guinn and Mr. Casey being appointed tellers, Mr. Dickson nominated Mr. William Hanby. Mr. Burney nominated Mr. Raven and before the vote

was taken withdrew the nomination. Whereupon the Senate proceeded to ballot and upon counting the vote it was ascertained that Mr Hanby had received 25 votes. Mr Hanby was therefore declared duly and constitutionally elected assistant doorkeeper of the Senate who came forward and took the oath of office.

On Motion of Mr Guinn Mr. Murphy Doorkeeper was excused for the remainder of the Session.

Mr Lea presented the petition of sundry citizens of San Patricio County for revision of its Corporate Charter & Referd to Com. on State affrs.

Mr. Durant Chm of Com. on Confederate Relations made the following report.

See page 337 of this book

Mr. Marcont Chmn of Com. on Judcy. on behalf of that committee reported the following bills and recommended their passage;

A Bill to attach Kendall County to the 4th Judicial District and providing the time of holding courts therein;

A Bill to Authorize the County Courts of Bastrop and other Counties therein named to regulate the pay of Sheriffs in certain cases.

A Bill to incorporate the Texas Red and Copper Mine Company

A Bill to incorporate the Jackson Manufacturing Company.

A Bill declaring void any sale made by the public enemy who may occupy any portion of the territory of the state of Texas with a recommendation that it do not pass.

Mr. Burney chmn of com. on Public Lands reported a Bill for the relief of parties holding land under Danl Monroe and recommended its passage. also a substitute for a bill that Committee refer'd to appropriate land to the Texas officers and soldiers in the war with the U. S.

Mr Lea one of the Committee on State affairs on behalf of that Committee made the following report

See page 337 of this book

Mr. Graham from the Committee on the Penitentiary reported on behalf of that committee upon the reports of the officers of the Penitentiary to that committee refered;

A Bill to repeal articles 175 & 177 of Chap. 12. of the Penal code Read 1st time and

A Bill to amend art 123 of Chap 6. of the Penal code of the State of Texas. Read 1st time

Mr. Boyd chmn of com. on Roads, bridges, & ferries reported on behalf of that committee a Bill to authorize the establishment of ferries at the Crossing of the Waco and Austin road on the Lampasas and Leon Rivers in the County of Bell without obtaining license and recommended its passage.

Mr. Lea introduced a Bill to provide necessary assistance for families and other dependents of non commissioned officers and soldiers. Read 1 & 2. time and refer'd to Committee on State affairs.

Orders of the Day

A Bill to amend the 19. 20 & 47 sections of an act to regulate proceedings in the County Courts pertaining to estates of deceased persons appd Mar 20. 1848 Read 2nd time and passed to 3rd reading Rule suspended Read 3rd time and passed

A Bill in relation to judicial proceedings in counties in possession of or endangered by the public enemy. Read 2nd time and passed to 3rd reading. Rule suspended Read 3rd time and passed.

A Bill to prescribe the residence of County Surveyors. Read 2nd time and passed to a 3rd reading. Rule suspended Read 3rd time and passed.

Mr. Shepard moved to reconsider the vote taken on yesterday passing a Joint Resolution relative to the indebtedness of the Confederate States. Carried. Mr. Shepard then moved to reconsider the vote refusing to adopt the amendment offered by Mr. Wartley to strike out the words "assumption and". Carried. Mr Wartley then moved to reconsider the vote passing the Joint Resolution to a 3rd reading. Carried. Mr. Wartley then renewed his pro

posed amendment to strike out "assumption and" a third reading. Rule suspended. Read 3rd time and passed

A Bill to repeal an act to amend the 1st and 11th sections of an act to authorize the sale of the public domain appd Feb. 11 1858 appd Jan. 1. 1862 amending amendments. Read 2 time. amendments adopted

On report of committee on public lands recommitted to the committee on Land office with instructions to report a bill raising the price of the public lands. Mr. Burney moved the previous Question being upon the passage of the bill to a third reading which was carried

The main question having been ordered by the Senate was put and carried

A Bill to provide a specie fund to aid taxpayers in the payment of specie taxes being the special order was read 2nd time. Mr. Harcourt moved to postpone further consideration of the measure until Thursday the 26. inst at 11 oclk A. M.. Mr. Harcourt withdrew his motion whereupon Mr. Pelman offered a substitute suspending the collection of the specie tax for the year 1863. The substitute was on Mr. Dickson's motion laid on the table and the bill ordered to be engrossed - Rule suspended - Read 3rd time and passed.

Mr. Hartley Chmn of Com. on State affairs reported a Bill to regulate the sale of beef cattle and to require butchers to keep and return lists of the cattle slaughtered by them and to prevent the sale of Calves for slaughter without branding and recommended its passage.

On motion the Senate adjourned until 3 oclk. P M.

3 oclock P. M.

Senate met: roll called. Quorum present.

A Bill for the organization of the militia and prescribing who shall be liable to Military duty being the special order was read 2nd time. Mr Gwinn offered the following amendment "Sec. . The Secretary of State shall take charge of the records and papers pertaining to the late office of the Adjutant General and shall perform all the duties of Adjutant General under the directions of the Governor, and may employ one clerk to assist him in the discharge of the duties of said office who shall receive a salary of 1200$ per annum and the said sum of 1200$ per annum is hereby appropriated for this purpose

Mr. Durant moved to lay the bill and amendment on the table upon which the Yeas and Nays were as follow,

Yeas Messrs Crawford, Durant and Maxey 3.

Nays. Messrs Andres Batte, Beasley, Boyd, Burney, Casey, Cook, Cooper, Dickson Ford Graham Gwinn Harcourt Hartley, Kea Kair Moore of A. Moore of B. Quayle Reed, Shepard, Weatherford, Wheeler & White 24

Mr. Cook then moved the rereference of the bill to the Committee on Military affairs lost. The question being upon the adoption of the amendment offered by Mr. Gwinn Mr. Casey moved to amend the amendment by striking out all after the word Governor:

Mr. Cook offered the 2nd section of the act to provide for the organization of the State troops and place the same on a war footing as a substitute for the amendment proposed

Mr. Harcourt moved to lay the substitute on the table. Mr. Cook then withdrew the substitute whereupon Mr. Gwinn by leave withdrew his amendment. Mr. Cook then offered the 2nd section aforesaid as an amendment to modifying its language as to suit the provisions of the bill under consideration. Mr Ford moved to amend the amendment of Mr. Cook by striking out all relating to the appointment of an assistant quarter master and clerk

Mr. Cooper moved to lay Mr. Cook's amendment and Mr. Ford's amendment thereto on the table whereupon the Yeas and Nays were called when Mr. Cooper withdrew the motion.

Mr. Durant then moved the reference of the bill and amendments to a select Committee of five upon which the Yeas and Nays stood thus:

Yeas. Messrs Andrus Beasley Boyd Cooper, Crawford Dickson Durant Ford Gurrin Hord Lea Kair, Maxey Moore of D. Moore of B. Parsons Quayle Reed Selman & Shepard Nays. Messrs Batte Burney Casey Cook Graham Harcourt Hartley, Weatherford Wheller & White 10

A message was rec? from the House informing the Senate that the House had pass'd the following bills

A Bill to authorize the County Courts of Smith and Marion Counties to levy a special tax for war purposes and have the same Collected immediately

A Bill appropriating money defraying all expenses for rations and forage 21st Brigade Texas State Troops

A Bill making an appropriation to defray the Contingent expenses of the extra session 9th Legislature

On motion the Senate adjourned until 9 o'clk A. M. to morrow.

Wednesday Febry 25. 1863
9 o'clk A. M.

Senate met. President pro tem in the Chair Prayer by the chaplain roll called. Quorum present. The journal of Yesterday was read and adopted

A Message was rec? from the House informing the Senate that the House had pass'd the following bills.

A Bill to authorize the Commissioner of the Genl Land office to issue to all persons and Corporations such land Certificates as they may be entitled to receive under any general or special law of the State.

A Bill to incorporate the Texas paper Manufacturing Company

A Bill to incorporate the Coral Manufacturing Company.

A Resolution to adjourn sine die monday 2nd March 1863.

A Bill to punish Citizens who take the Alien oath and refuse a participation in our struggle

A Bill to procure Specie to enable the people to pay the Specie tax

Mr. Casey moved to suspend the rule in order to take up a bill relative to property to be sold on by execution and requiring it to bring nine tenths of its value. Lost

A Bill to regulate the Cultivation of Cotton - Read 3rd time. Mr. Kair moved a call of the Senate which was sustained. The Senate not being full

A Bill requiring property levied on by execution &c to bring nine tenths of its appraised value was taken up. Read 3rd time.

Mr. Harcourt offered the following amendment "Provided that this act shall not apply to any administrator or guardian who may be a party plaintiff in any action for the recovery of a debt due the estate of a decedent or to any ward of such guardian". On motion of Mr. Ford the amendment was laid on the table.

Mr. Cooper offered the following amendment. "Provided in such case the plaintiff shall pay all costs that have accrued in advertising or selling said property." Withdrawn by Mr. Cooper whereupon the Yeas and Nays were called on the final passage of the bill and stood thus.

Yeas. Messrs Andrus, Batte Beasley Boyd Burney Casey Cook Cooper Dickson Durant Graham Gurrin Kair Moore of D. Quayle Weatherford & White 17

Nays. Messrs Crawford Ford Harcourt Lea Maxey Moore of B. Parsons Reed Selman & Shepard 10.

A Bill to regulate the Cultivation of Cotton coming up on its third reading on motion of Mr. Parsons the Senate resolved itself into a

committee of the whole Mr. Gwinn in the chair.

After some time spent therein the committee rose reported progress and asked to be discharged from further consideration of the subject. Report adopted. Whereupon the Senate adjourned until 3 oclock P. M.

3 oclock P. M.

Senate met. rolls called. Quorum present.

Mr. Lea chmn. of Committee on Finance on behalf of said committee by leave reported a Bill to appropriate $1000 to pay the expenses of taking up committing. Keeping and Conveying to the Penitentiary runaway slaves" and recommended its passage

Mr Lea also made the following reports

For these reports see 337-8 page of this book

A Bill to provide for sale of lots in the city of Anadisi (Read 1st time

On Mr. Weatherfords motion the Senate resolved itself into committee of the whole on a Bill to regulate the cultivation of Cotton Mr. Dickson in the Chair. After some time spent therein the Committee rose reported progress and asked to be discharged. Report adopted Whereupon Mr. Harcourt offered the following amendment "Provided that the restriction herein imposed shall not apply to the owner or cultivator of any land who may be in the military service of the Country or to the widow of any soldier who may have died or been killed in the service"

Mr. Shepard moved to amend the proposed Amendment by adding thereto "Provided further that the provisions of this act shall not apply to any widow whose husband may have been killed or disabled during the war" accepted by Mr Harcourt.

Mr. Durant moved to lay the amendment on the table. upon which the Yeas and Nays were as follow

Yeas. Messrs Beasley Boyd Burney, Cooper Crawford Durant Graham Gwinn. Hartley Lea Lair, Maxey Parson Quayle Weatherford & Wheeler 16.

Nays. Messrs Andres. Casey Dickson Ford Harcourt Hord Moore of A. Moore of B. Reed Selman Shepard & White 12.

Mr. Harcourt moved to adjourn until to-morrow morning 9 oclk. upon which the Yeas and Nays were called and stood thus

Yeas Messrs Casey, Dickson. Ford, Harcourt Hartley, Hord, Moore of A. Moore of B Reed Selman Shepard & White 12.

Nays Messrs Andres. Beasley, Boyd, Burney, Cooper Crawford Durant Graham Gwinn Lea Lair Maxey Parson, Weatherford & Wheeler 17

Mr. Lea moved to strike out the latter part of 2nd Section to wit ade after the words "Cotton Cultivation." Carried.

Mr. Harcourt offered the following amendment "That in order to ascertain the quantity of land in cultivation the County Surveyor of each and every County in the State shall proceed to survey and stake off all the land in cultivation by each and every planter in his County and correct the mark off the one third of the same to be cultivated in cotton and if the survey shall not be so made before the time for pitching the crop no penalty shall attach or be imposed for any violation of the provisions of this act."

Mr. Gwinn moved to lay the proposition on the table, whereupon Mr. Harcourt moved a call of the Senate which was sustained

Mr. Hartley moved to adjourn until 8 oclk P. M. Lost.

The Senate then proceeded to the Consideration of a Bill to regulate the prices of articles of prime necessity. The substitute offered by the Com. on State affairs was adopted. Mr. Gwinn offered the following as a substitute for

2nd. Section "That it shall be lawful for the County Court of each and every County in this State to fix upon and establish a tariff of prices upon all articles necessary for the support of the families of Soldiers in their respective Counties and may alter or change the same from time to time, which tariff shall be fixed upon the articles of Breadstuffs, Meat, Shoes Drugs Leather Salt, Merchandize and blacksmithing, Provided however that the said tariff shall not enure to the benefit of any except the families of the widows of soldiers"

Mr. Casey moved to amend by inserting after "Drugs" "Doctors charges for medical attention". Pending this Question it was announced that the Senate was full whereupon Mr. Shepard moved to postpone the further consideration of the bill to regulate the Cultivation of Cotton until Friday next at 11 o'clk A. M. Upon which the yeas and nays were called and stood thus.

Yeas Messrs Andres, Battle Casey Cook Dickson Ford Harcourt Hartley Hord Moore of D. Moore of B. Reed Selman Shepard & White 15.

Nays. Messrs Beasley Boyd Burney Cooper Crawford Durant Graham Gunn Lea Hall Maxey Parsons Quayle. Weatherford & Wheeler 13.

The President voted nay.

Mr Dickson made a Question whether the Senate was full there being three members who had not reported this extra session.

The President decided that as the absent members had not answered at this extra session of the Senate it was full; Whereupon Mr. Harcourt appealed and having withdrawn the appeal the Senate adjourned until 9 o'clk A. M. to-morrow.

Thursday February 26. 1863
9 o'clk A. M.

Senate met. Prayer by the Chaplain. Roll called Quorum present. The journal of Yesterday was read and adopted.

Mr. Harcourt introduced a Bill to repeal the act appd dec 25. 1861 to provide for the organization of the State troops and to place the same on a war footing Read 1st time.

Messrs Durant, Reed, Parsons, Maxey & Hord were announced as the select committee on the subject of the Militia upon Mr. Durants Motion to refer to such a committee made on Monday last.

Mr. Lea Chmn of the Com. on Finance on behalf of that Committee reported upon the suggestion contained in President Davis' Message that the several states of the Confederacy assume each their proportional parts of the public debt of the Confederacy, that as the Senate had taken action on the subject the committee asked to be discharged from its further Consideration.

Mr. Lea Chmn as aforesaid also asked for the same reason that the Committee be discharged from the further Consideration of the subject of repealing the specie tax.

Mr Hartley moved a reconsideration of the vote taken on Yesterday laying the amendment of Mr. Harcourt as suggestively amended by Mr. Shepard on the table. The yeas and nays being called on the motion to reconsider Mr. Hartley moved a call of the Senate which was sustained. The Senate not being full Mr. Burney moved to suspend the order of business in order to take up a house bill for the relief of those holding land under Land warrants carried. Read 2. time and passed to 3rd reading Rule suspended Read 3rd time and passed

Mr. Maxey moved to suspend the order of business that a bill granting Land to the officers and Soldiers of Texas in the present war might be taken up. Lost.

Mr. Shepard moved to take up a bill to repeal the laws authorizing the sale of Land scrip. Lost
A Bill to authorize the County Courts to establish a tariff of prices for the purposes therein named. Read 2nd time. The question being upon the amendment offered by Mr Casey to Mr. Gunnis proposed substitute for 1st Section Mr. Casey withdrew his amendment whereupon the question recurred on the adoption of Mr. Gunnis substitute for the 1st Section. Mr Quayle moved to amend by inserting "Wool and Cotton for Home Consumption" adopted Mr Shepard moved to amend further by adding "and all other articles that may be needed by Soldiers Families"

The Senate being fully the Question was upon Mr Hartleys motion to reconsider the vote taken on Yesterday as herein above stated. Whereupon Mr. Shepard appealed from the decision of the President made on Yesterday upon the question made by Mr Dickson whether the Senate was full. The question "shall the decision of the President be the decision of the Senate?" was then put. Upon which the Yeas and Nays were called and stood thus.

Yeas. Messrs Beasley, Boyd, Bunney, Cooper, Crawford, Durant, Ford, Kea, Kell, Maxey, Parsons, Quayle, Weatherford & Wheeler 14

Nays Messrs Andrew, Batte, Casey, Cook, Dickson, Ford, Graham, Gunnis, Harcourt, Hartley, Moore of D. Moore of B. Reed, Selman, Shepard & White 16.

Mr. Parsons moved to suspend the Call. Lost. Mr Bunney moved that the Serjt at arms or a special messenger be sent for Mr. Jordan Mr Mitchell and Mr Houston. Whereupon Mr Durant proposed the following as a substitute "Whereas Senators Jordan, Mitchell & Houston have not been in attendance this extraordinary session, therefore be it resolved that no further Call of these Senators be had during this Session" This was declared out of order as a substitute whereupon Mr. Durant submitted it as an original proposition which under the rule lays over one day for Consideration. The Question being upon Mr. Bunney's motion it was by leave withdrawn by Mr. Bunney.

Mr Quayle moved to take up the House resolution to adjourn sine die on Monday 2nd of March ensuing. Whereupon Mr. Quayle upon suggestion withdrew the motion.

Mr. Durant moved to adjourn until 3 o'clk P. M. Carried

3 o'clk P. M.

Senate met. Roll called. Quorum present.

The Question being upon Mr. Hartleys motion to reconsider the vote tabling Mr Harcourts amendment offd. on Yesterday Mr. Hartley moved a call of the Senate which was sustained.

The Senate not being fully the Consideration of a bill to authorize the County Courts to establish a tariff of prices for the purposes therein named came up and the question being on the adoption of the amendment proposed this Morning by Mr. Shepard. Mr Gunnis moved to lay the amendment on the table whereupon the Yeas and Nays were called and stood thus,

Yeas 7 Messrs Andrew, Beasley, Boyd, Cooper, Ford, Graham, Gunnis, Kea, Kell, Maxey, Moore of D. Quayle, Weatherford & Wheeler 14.

Nays Messrs Bunney, Casey, Cook, Crawford, Dickson, Durant, Harcourt, Hartley, Moore of B. Shepard & White 12.

The question recurred on the adoption of the substitute for 1st Section which Mr. Shepard moved to amend by adding "indigent families" adopted "as substitute was then adopted

Mr Hartley moved to indefinitely postpone the bill. whereupon Mr. Quayle moved

to lay the motion on the table. The yeas and nays being called stood thus

Yeas Messrs Beasley, Boyd Burney Cooper Crawford Graham Gwinn Kea Kair Maxey Moore of D. Quayle Weatherford & Wheeler 13.

Nays Messrs Andres Battle Casey Cooke Dickson Durrant, Ford, Marcomb, Hartley, Hord Rea Moore of B. Reed, Selman, Shepard, & White. 16.

Mr Hartley moved to suspend the Call of the Senate Lost.

The question then recurred upon Mr Hartleys motion to indefinitely postpone, Mr. Durant moved to lay the bill on the table, a preference motion The yeas and nays being called stood thus

Yeas. Messrs Boyd Cooper Crawford Dickson Durrant, Ford Graham Gwinn Kea Kair Maxey Moore of D Moore of B. Quayle Reed & Wheeler. 16.

Nays Messrs Andres, Battle, Beasley, Burney, Casey Cook Marcomb Hartley Hord Parsons Shepard Selman, Weatherford. & White 12.

On motion of Mr. Hartley the Call was suspended and the vote taken on Mr. Hartleys motion to reconsider the vote taken on yesterday to lay Mr Marcombs amendment relative to soldiers families, to the bill to regulate the cultivation of cotton on the table which stood thus

Yeas Messrs. Andres, Battle, Casey, Cook, Dickson, Ford, Marcomb, Hartley, Hord Moore of B Reed Selman Shepard and White 12.

Nays Messrs Beasley, Boyd, Burney, Cooper Crawford Durrant Graham Gwinn Kea Kair, Maxey Moore of D. Parsons Quayle Weatherford & Wheeler 16.

The Question then recurred upon Mr. Marcombs amendment providing that the several surveyors should proceed to stake off the one third of the land to be cultivated in cotton re upon which the yeas and nays stood thus.

Yeas Messrs Battle Casey, Cook Dickson, Ford Marcomb Hartley, Hord, Moore of D. Moore of B. Reed, Selman, Shepard & White 12

Nays Messrs Andres, Beasley, Boyd, Burney, Cooper Crawford Durrant Graham Gwinn Kea Kair, Maxey, Parsons, Quayle, Weatherford & Wheeler, 16

Mr Quayle moved the previous question whereupon Mr. Dickson moved a call of the Senate which was sustained

On motion the Senate adjourned until 9 oclk A M. to morrow.

Friday February 27. 1863
9 oclk A. M.

Senate met. Prayer by the Chaplain Roll called. Quorum present. The journal of yesterday was read and adopted.

Mr. Kea one of the committee on State affairs reported on behalf of that committee a Bill to provide necessary assistance for families and other dependents of non commissioned officers and soldiers recommending its passage with the following amendments.

In Caption and in Section 1. strike out the word "Non Commissioned".

In Section 1. after the words "County Courts" insert "for administrative police in the respective Counties"

At end of Section 1 add "and the Court shall conduct this business with appropriate regularity, keeping full minutes of its proceedings in a book not containing any other matter, and such book shall be always subject to inspection by any orderly Citizen"

At end of Section 3 add "provided such control shall not be exercised until at least a majority of the members of the County Court shall have been cited to appear and answer the Complaint and the citation shall be executed at least ten days before the time for answering and the mode of service shall be by giving a copy to the person or by leaving it at his residence with some member of his family or posted on his door."

Mr. Durant Chrm. of Select Committee on behalf of said Committee reported a bill for the organization of State Troops and prescribing who shall be liable to militia duties with the following amendment to be section 8.

"The Governor shall appoint one Adjutant and Inspector General with the rank of Colonel of Cavalry, with the advice and Consent of the Senate, who shall be liable to be removed by the Governor who shall receive a salary of Two Thousand Dollars, and shall give bond and security for the faithful performance of the duties of his office in a sum of five Thousand Dollars to be approved by the Governor. He shall keep a Military bureau in the City of Austin, he shall procure a record annually of the strength, arms and equipments of the State, shall record all military orders received by him, and generally all matters which relate to his office or the State Troops, and which in his opinion may be necessary to enable him to exhibit the true strength character and Condition of the military force of the state; he shall once a year visit and inspect the Arsenals and magazines in the State and report to the Governor their Condition the number, Kind and Condition of arms, equipments and public stores in each, the number and description of public arms and equipments distributed to the state troops each year and the condition and disposition of such distribution, and all Quartermasters and other officers having charge of other departments shall when required make full reports to him of the different matters Committed to their charge. He shall distribute all orders from the Governor and obey all orders from him, furnish blank forms of different returns that may be required and explain the principles on which they should be made, he shall make a return of the State troops with their arms ammunition and accoutrements whenever required by law to the President of the Confederate States and shall be charged with all correspondence on Military Affairs; he shall also be Quartermaster and Commissary General and his duties shall be to collect and take charge of all property belonging to the Military of this state or for military uses, which have not been regularly issued by the state and his General duties shall be similar to the duties of the Quartermaster and Commissary general of the Confederate states In addition to said duties he shall perform the duties of Ordnance officer and shall whenever the business of his office requires, employ one or more clerks at a salary not to exceed Seventy five Dollars per month"

Mr. Cooper introduced the following

Resolved that the Senate recognizing the great necessity to foster and sustain every self supporting means in our limits and whereas Messrs Billups, Griggs, and Brussey, Hassell Calotes and Holverson, also Stafford Willet and Morrison of Anderson County have established iron works in said County on a small scale and a necessity exists to extend and enlarge the same therefore. Resolved that the Senate appoint a committee of two and request the House to appoint a corresponding number to enquire and report upon the expediency of granting state aid and report by bill or otherwise" Adopted and Mr. Cooper and Mr. Harcourt appointed said committee.

On motion of Mr. Gurin Mr. Durants resolution offered on yesterday relative to the absent senators was taken up. Mr. Durant moved to strike out the name of Mr. Jordan. Mr Gurin offered a substitute as follows "Resolved by the Senate that it is the sense of the Senate that a call should not be made upon any senator who has not answered to his name this extra session" Accepted by Mr. Durant.

Mr Parsons then offered a substitute as follows. "Resolved that the 25th rule of the Senate be hereafter construed to mean. that when a Call of the Senate is made and all the Senators who are within the limits of the City of Austin have been brought in and a quorum be then present, that the call cannot then be kept up and members sent for who are not within said city and who have not attended at the present session of the Legislature"

Mr. Ford moved to lay the substitute of Mr. Parsons on the table. The Yeas and Nays being called stood thus,

Yeas. Messrs Andres Battle Beasley. Burney Casey Cook Cooper Dickson Ford Graham Gwinn Harcourt, Hartley, Hord, Jordan, Maxey, Moore of D. Moore of B. Reed, Selman, Shepard and Weatherford 22

Nays. Messrs Boyd, Durant, Dea, Dair Parsons, Quayle, & Weatherford 7.

The question then occurred on the substitute offered by Mr. Gwinn and accepted by Mr. Durant

A motion to lay the substitute on the table resulted as follows.

Yeas Messrs Beasley, Boyd, Casey, Cook, Cooper, Harcourt, Hartley, Jordan, Quayle Reed, Selman, & Shepard. 12.

Nays. Messrs Andres, Battle, Burney, Dickson, Durant. Ford, Graham Gwinn, Hord, Dea Dair Maxey, Moore of D. Moore of B. Parsons, Weatherford & Wheeler 17

Mr. Quayle moved to strike out the words "this extra session"

Mr. Cook offered the following substitute "Resolved that Senators Mitchell and Hanson being beyond the limits of the State and consequently beyond the jurisdiction of the Senate, a call of the Senate cannot be kept up under the rules of the Senate on account of their absence." Adopted as a substitute whereupon Mr. Shepard moved to lay the resolution on the table. The Yeas and Nays stood thus,

Yeas Messrs Andres Beasley, Boyd, Cooper, Harcourt Quayle and Shepard 7,

Nays. Messrs Battle Burney, Casey Cook, Crawford Dickson, Durant, Ford Graham Gwinn Hartley, Hord Jordan Dea Dair Maxey Moore of D. Moore of B. Parsons Reed Selman Weatherford & White 23.

The resolution was then adopted

The bill to regulate the cultivation of Cotton being in order was taken up. Mr Dea offered the following amendment to come in at end of fourth section "Provided such control shall not be exercised until the person Complained of shall have been cited to appear and Answer the Complaint, and the citation shall be served at least ten days before the time for answering and the mode of service shall be by giving a copy to the person or by leaving it for him at his residence with some member of his family or posted on his door or by leaving it for him with the Manager of the premises in question" Transpose Sections 3 & 4. Adopted.

Mr. Hord moved to amend as follows "but no injunction shall be granted until the surveyor of the County in which the land so situated shall have certified that by actual measurement the party charged as violating this act has an excess of over one third of his land planted in cotton"

Mr. Gwinn moved to lay the amendment upon the table, and the Yeas and Nays were as follows

Yeas, Messrs Andres Battle Beasley Boyd. Burney Cooper Crawford Durant Graham Gwinn, Dea Dair Maxey Parsons Quaile Weatherford. & Wheeler 17.

Nays. Messrs Cook, Dickson, Ford Harcourt, Hartley, Hord, Jordan, Moore of D. Moore of B. Reed Selman Shepard & White 13.

Mr. Gwinn moved a call of the Senate upon the passage of the bill which was sustained and the Senate being full the bill was read 3rd time and lost by the following vote

Yeas. Messrs Beasley Boyd Burney, Cooper Crawford Durant Graham Gwinn, Dea Dair Maxey Quayle Parsons Weatherford & Wheeler 15.

Nays. Messrs Andres Battle Cook Casey Dickson Ford Harcourt Hartley Hord Jordan, Moore of D. Moore of B. Reed. Selman Shepard & White 16.

Mr. Burney by leave from the Committee on Public buildings reported a substitute for a bill to that Committee referred appropriating 10,000$ to recover the Capitol building and the Land office

On motion of Mr. Gwinn the report was taken up. substitute adopted and

ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Senate bill authorizing judgments to be rendered requiring property to bring nine tenths of its appraised value on amendments by the House. amendments concurred in.

House bill to authorize the County Courts of Smith and Walker counties to levy a special tax for war purposes and have the same collected immediately was on motion of Mr. Selman taken up. Read 1st time. Rule suspended. Read 2nd time and passed to a 3rd reading Rule further suspended. Read 3rd time and passed.

Mr. Maxey by leave introduced a Bill to appropriate money to pay the officers and soldiers of Sims 9th Texas regiment of Cavalry while in the State service. Read 1 & 2 time and referred to Com. on Finance.

A Message was rec. from the House informing the Senate that the House has passed the following bills.

A Bill to provide for the defense of the frontier and repealing certain sections of an act to provide for the protection of the frontier approved Dec 21. 1861.

A Bill to provide against the hostile invasion of the State of Texas by persons of color.

Senate Bill with an amendment requiring property sold under execution, deeds in trust or mortgages to bring nine tenths of its appraised value

A Bill to amend an act to amend an act to establish a code of Criminal procedure appd Aug. 26. 1856 appd Feb 15. 1858

A Bill to Amend the Penal Code.

A Bill to incorporate the Conal Manufacturing Company was on motion taken up. Read 1st time Rule suspended Read 2nd time and passed to 3rd reading & Rule further suspended Read 3rd time and passed on call of Yeas and Nays by a constitutional majority Messrs Boyd Crawford and Durant voting Nay.

A Bill making an appropriation to defray the contingent expenses of the extra session of the 9th Legislature Read 1st time. Rule suspended Read 2. time and passed to 3rd reading Rule further suspended Read 3rd time and passed.

The following House bills were severally read 1 & 2 time and referred as follows

A Bill to authorize the Comm'r of the Genl Ld. office to issue to all persons and corporations such land certificates as they may be entitled to receive under any general or special law of the State. Refrd to Com on Internal Improvements.

A Bill to provide against the hostile invasion of the State by persons of Color Refrd to Judicy Committee

A Bill to amend the Penal code. Refrd to Judicy Committee

A Bill appropriating money defraying all expenses for rations and forage of 21 brigade Texas State Troops. Refrd to Finance Committee.

A Bill to provide for the defense of the frontier and repealing certain sections of an act to provide for the protection of the frontier appd dec 21. 1861 Refrd to Com. on Military Affairs

A Bill to incorporate the Texas paper Manufacturing Company. Refrd to Com on State affairs.

A Bill to procure specie to enable the people to pay the specie tax. Refrd to com. on Finance

A Bill to punish those who take the alien oath and refuse a participation in our struggle. Refrd to Judicy Committee.

A Bill to amend an act to amend an act to establish a code of Criminal procedure appd Aug. 26. 1856 appd Feb. 15. 1858. Refrd to Judicy Committee.

On motion of Mr. Weatherford a bill to incorporate the Dallas Male and female College was taken up. Read 2. time - Amendments of Committee on Educatio

adopted and bill passed to 3rd reading Rule suspended. Read 3rd time and passed on calls of the Yeas and Nays by Constitutional majority Mr. Boyd voting Nay.

A Bill to repeal an act to amend an act to authorize the sale of the public Domain appd Feb. 11. 1858 appd Jan 1. 1862. Read 3rd time.

Mr. Ford offered a substitute for the bill - Mr. Weatherford proposed to amend the substitute by inserting the following proviso. "Provided that only Treasury warrants of Texas shall be received"

On motion the Senate adjourned until 7 ½ o'clk P. M.

7 ½ o-clock P. M

Senate met roll called quorum present

The question before the Senate being on the adoption of Mr Weatherfords amendment to the substitute of Mr Ford. Mr Burney moved to lay on the table. carried. Mr. White moved to lay the substitute offered by Mr Ford on the table. The yeas and nays as follow.

Yeas. Messrs Burney, Casey, Cooper, Crawford, Gurin Harcourt, Jordan, Lair Maxey Moore of D Selman. Weatherford & White 13.

Nays Messrs Andres Battle Beasley, Boyd Cook Dickson Durant. Ford, Graham Hord, Lea Moore of B Parsons, Reed Shepard and Wheelo 16

The question was taken on the adoption of the substitute and lost

Mr. Hartley moved a reference of the bill to select committee of five carried. Messrs Hartley Ford Dickson Weatherford & Burney were appointed said committee

A Bill to incorporate the Comal manufacturing Company Read and Laid on the table.

A Bill to regulate the sale of beef cattle and to require butchers to keep and return lists of cattle slaughtered by them and to prevent the sale of calves without branding. Read 2. time Mr. Beasley offered the following amendments.

Amend caption by inserting after the word "cattle" the words "and hogs" in 1st line and in 2nd line after the word "cattle" "and hogs."

In Sec 1. 2. line insert "hogs" after "beeves" and in line 8 same sec. insert "or hog or hogs" after the word "beeves" In line 11. insert "or hogs" after "beeves" In line 13 insert "or hogs" after beeves"

In Sec 2. 1 line insert "hog or hogs" after "beeves"

In Sec. 3 4 line insert "hog or hogs" after "beeves"

In Sec 4. 1 line insert "pork" after "beef" In 2. line insert "or hogs" after "cattle".

In Sec 6 1 line insert "hogs" after "Calves" In 2. line insert "or marking" after "branding"

On Motion of Mr Ford laid on the table.

Mr. Lea offered the following as an additional to Sec 1. "Provided in case there shall not be any such clerk ready to receive and record such bill of sale and affidavit the same shall be filed and recorded in like manner in some adjoining County, and such record in the one county or the other shall be made without unreasonable delay; but the recording in such adjoining County shall not dispense with the filing and recording in the county first indicated whenever there shall be therein a county Clerk prepared for the business; with whom the bill of sale and affidavit shall be filed for record without unreasonable delay; whereupon they shall be promptly recorded by said clerk" Adopted and bill passed to a 3rd reading. Rule suspended Read 3rd time and passed.

A Bill declaring void any sale made by the public enemy who may occupy any portion of the territory of the State of Texas on report of Judiciary Committee recommending that it do not pass. Read 2nd time and report adopted.

A Bill to authorize the County Courts of Bastrop and other counties therein named to regulate the pay of Sheriffs in certain cases Read 2nd time -

Mr. Cooper moved to add "Trinity" county. adopted. Mr. Crawford moved to strike out "Kent County" adopted. Mr. Ford moved to add Cameron and Starr Counties. adopted.

Mr. Marcount moved to indefinitely postpone the bill. lost. Mr. Quayle moved to strike out after Bastrop all the counties named and insert in lieu of them "and all other counties in the State" Mr. Cooper moved to lay the motion on the table. carried. The bill was then passed to a third reading. Rule suspended Read 3rd time and passed.

A Bill to attach Kendall county to the 4th Judicial district: Read 2nd time and passed to a third reading Rule suspended Read 3rd time and passed.

A Bill to incorporate the Jackson manufacturing Company Read. 2nd time and passed to a 3rd reading Rule suspended Read. 3rd time and passed. by a constitutional majority Messrs Boyd and Weatherford voting Nay.

A Bill to authorize the establishment of ferries at the Crossing of the Waco and Austin road on the Leon and Lampasas rivers in Bell County Read 2nd time and passed to 3rd reading. Rule suspended Read 3rd time and passed.

Mr. Hartley Chmn of select committee made the following report

(See page 338 of this book)

On Mr. Shepards motion the report was taken up. The substitute reported by the committee was declared out of order because the same substitute had been rejected by the Senate. Whereupon Mr. Beasley moved to reconsider the vote refusing to adopt it. Carried. Mr. Weatherford moved to postpone until to morrow at 11 oclk A M. carried.

Mr. Lea moved to suspend the rule so as to take up report of the committee on State affairs on a Bill to provide necessary assistance for families and other dependents of non commissioned officers and soldiers. Carried. Bill read 2nd time. amendments reported by the committee adopted

Mr. Lea offered the following amendment. "Provided such extraordinary taxes shall be collected as needed, according to the State assessment as it may be from time to time" adopted

Mr. Lea moved to adjourn until 10 oclk to morrow morning. lost.

Mr. Cooper moved to postpone the further consideration of the bill until 10 oclk A M to morrow. Carried.

On motion the Senate adjourned until 9 oclk A M. to morrow.

Saturday Febry 28. 1863
9 oclk A. M.

Senate met Prayer by the Chaplain. roll called. quorum present. The journal of yesterday was read and adopted.

Mr. Lea chmn of Com. on Finance on behalf of said committee reported a bill appropriating money to defray the expenses incurred for rations and forage of 21st Brigade T. M. T and recommended its passage.

Mr. Marcount chmn of Judiciary committee on behalf of said Comt reported the following bills and recommended their passage viz:

A Bill to punish those who take the alien oath and refuse a participation in our struggle

A Bill to provide against the hostile invasion of the State of Texas by persons of color

A Bill to amend the Penal Code, and the following bill with the recommendation that it do not pass.

A Bill to amend an act to amend an act to establish a code of Criminal procedure appd Aug 26. 1856 appd Febry 15. 1858

Also a Bill to punish certain persons for unlawful seizures of wagons and teams recommending its passage with the following amendment. Strike out "by Confinement in the penitentiary" and insert "by fine not less than 500$ and in the discretion of the jury by imprisonment in the County jail not more than six months". Also a substitute for a Bill referred to define and punish sedition and to prevent the dangers that may arise from persons disaffected to the State, recommending its adoption and passage.

Mr. Casey Chmn of Comt. on Engrosed bills reported correctly engrosed a Bill appropriating 20,000$ or so much thereof as may be necessary for recovering the Capitol and Land office

Mr. Casey Chmn of Comt. on Military affairs reported on behalf of said Committee on a Joint Resolution in relation to extortion and requesting Congress to reduce the pay of officers and increase the pay of privates in the Confederate Army and asked to be discharged from its further Consideration because the main objects of said resolution had been acted on by the Senate.

Mr. White one of the Committee on Military affairs on behalf of that Committee reported a Bill to provide for the defense of the frontier and repealing certain sections of an act to provide for the protection of the frontier appd Dec 21. 1861 and recommended its passage.

Mr. Durant introduced a Joint Resolution to make Confederate money a legal tender. Read 1st time

Mr. Dickson Chmn of Joint Committee raised by the two Houses to investigate the acts of the Military board made the following report

(See page 339 of this book)

A message was recd from the House informing the Senate that the House had agreed to Senates Resolution in reference to a Committee to inquire into the propriety of extending state aid to certain Iron works &c and had appointed as a committee on the part of the House Messrs Price and Bethel. Also that the House had passed the following bills which were on motion severally taken up, Read 1 & 2. time and refrd to appropriate committees as follows.

A Bill to prohibit the distillation of Corn and other grain into alcoholic or spirituous liquors in the State of Texas &c to Comt on State affairs.

A Bill to define the offense of inciting insurrection, to Judiciary Committee.

A Bill to incorporate the Houston Mutual supply association to Judiciary Committee

A Bill to provide for support of families of Texan Soldiers to Comt on State affairs.

Orders of the Day

A Bill to provide necessary assistance for families and other dependents of non commissioned officers and soldiers being the Special order was read 2nd time.

Mr. Ford offered the following amendment "Provided that when in the opinion of the County Court and in case of revision by the District Judge or Court then in the opinion of such Judge or Court the family or dependents of such soldier or officer shall be fully able to support themselves and take care of or have taken care of their property then the relief afforded by this act shall not be extended to such family and dependents" Lost.

Mr. Ford offered the following amendment "In sec 1. strike out the words" who have been or" By leave Mr. Ford withdrew the amendment when Mr. Air moved the previous question which was ordered. The main question being on the engrosment of the bill was put and Carried. Rule suspended. Read 3rd time and passed by the following vote. Unanimous except Mr. Durant who voted Nay.

A Bill to repeal an act to amend the 7 & 11 sections of an act to authorize the sale of the Public domain appd Febry 11. 1858 appd Jan 1. 1862 on 1st 2nd 3rd reading

with substitute of Committee

Mr. Graham offered the following amendment. Strike out "two dollars per acre" wherever it occurs in 1st section and insert "One dollar per acre." lost. The substitute was then adopted by the following vote

Yeas. Messrs Andrews, Beasley, Boyd, Cook, Crawford, Dickson, Durant, Graham Hartley, Hord, Jordan, Lea, Moore of B. Parsons, Quayle, Reed, Shepard, Wheeler and White 19.

Nays Messrs Batte, Burney, Cooper, Gurrin, Harcourt, Kain, Maxey, Moore of D. Selman & Weatherford 10.

Mr. Gurrin moved to strike out "two" and insert "three" Strike out "Four" and insert "five" The first amdt being withdrawn the question on striking out "four" and inserting "five" was put and carried. The bill was then passed to 3rd reading. Rule suspended Read 3rd time and passed.

Mr. Harcourt by leave introduced a bill to incorporate the Columbus Mutual aid association Read 1 & 2. time and refer to Judiciary Committee.

A Bill granting land to soldiers in the present war on report of Comm. on Public Lands reporting a substitute. Read 2nd time substitute adopted Mr. Gurrin offered a substitute authorizing the several County Courts to regulate the prices of articles of prime necessity used in families of soldiers.

Mr. Shepard moved to postpone further consideration of the subject until 7 o'clk P. M. Lost.

Mr. Gurrin moved to lay the bill and substitute on the table carried.

Mr. Hord by leave introduced a Joint Resolution in relation to Martial Law, Read 1 & 2. time and refer to Judiciary Committee.

Mr. Gurrin moved to take up the bill and substitute which had been laid on the table on his motion as above.

Mr. Burney moved to divide the question which was carried and the bill was taken up

Mr. Harcourt by leave reported on behalf of the Judiciary committee a Bill to incorporate the Columbus Mutual Supply association and recommended its passage

On motion the Senate adjourned until 7 o'clk P. M.

7 o'clk P. M.

Senate met. roll called. quorum present.

Mr. Hartley moved to reconsider the vote which adopted the report of the Judiciary Committee on yesterday adversely to a bill declaring void any sale made by the public enemy who may occupy any portion of the Territory of the State of Texas Carried.

A message was rec'd from the House informing the Senate that the House had adopted a substitute to Senates bill to provide a specie fund to aid taxpayers in payment of specie taxes.

A Bill granting land to soldiers in the present war being under consideration when the Senate adjourned the question was taken on taking Mr. Gurrin's substitute from the table which was put and lost. Bill read 2nd time

Mr. Gurrin offered the following amendment "Provided that all soldiers that have been or may be permanently disabled in the service of their country during the present war who was a citizen of the State of Texas at the time he entered the service and who has received an honorable discharge shall receive 1280 acres under the provisions of this act"

Mr. Hartley moved to amend the amendment by inserting therein "who entered the service as a soldier from the State of Texas" whereupon Mr. Durant moved

to lay the amendments on the table and the yeas and nays being called stood thus
Yeas. Mesrs Andres Boyd Casey Cooper Dickson Durant. Graham Jordan Lair Maxey, Moore of D. Quayle Selman & Weatherford 14
Nays. Mesrs Beasley Burney Crawford Gurrin Harcourt Hartley Lea, Moore of B. Rhoads Shepard & White 11.
The bill was then engrossed by the following vote
Yeas Mesrs Andres Boyd Casey Cooper Dickson, Durant Graham Jordan, Lair Maxey Moore of D. Quayle Selman & Weatherford & Wheeler 15.
Nays Mesrs. Beasley, Burney, Crawford, Gurrin, Harcourt, Hord, Lea, Moore of B & Shepard 9.
On motion the Senate adjourned until 9 oclk A. M. on Monday next.

Monday March 2nd 1863
9 oclk A. M.

Senate met. Prayer by the Chaplain. roll called. Quorum present. The journal of Saturday was read and adopted.
Mr. Gurrin presented the memorial of John M. Crockett in relation to the manufacture of pistols in Dallas County. Read and referred to Judiciary Committee.
Mr Harcourt chmn. of Judiciary Committee on behalf of that Committee reported a bill to define the offense of inciting insurrection. or insubordination of slaves &c and recommended its passage
Mr. Lea one of the committee on State affairs made the following report:
See 340 page of this book.
A Bill to suspend the Corporate authority of the town of San Patricio. Read 1st time
Mr. Lea chmn of the Committee on Finance on behalf of said Committee made the following report.
See 341 page of this book
A Bill to supply a deficiency in a certain appropriation for paying officers and soldiers of State troops Read 1st time
Mr Casey Chmn of Committee on Engrossed bills reported a Bill granting land to Texas soldiers and Bill to provide necessary assistance to families and other dependents of officers and soldiers Correctly engrossed.
Mr. Lea introduced a Bill to amend the 3rd sec. of an act to prescribe what kind of funds may be received for certain public dues appd Jany 11 1862. Read 1 & 2 time and refered to Finance Committee.
Mr Gurrin introduced a Bill authorizing the Governor to regulate the manufacture and sale of salt in this State. Read 1 & 2. time and refered to Committee on State affairs.
Mr. Gurrin offered the following resolution. "Resolved that no Senator shall be permitted to speak more than ten minutes upon any subject that may come before the Senate." Rule suspended and Resolution taken up. Mr. Shepard moved to amend by adding "except by leave of the Senate, and when given he may continue other ten minutes" Lost. The resolution was then adopted.
Mr. Maxey offered the following resolution "Resolved that after 12 oclk to day the Senate will not receive for consideration any new bill unless by leave of 3/4 of the Senate" Laid over 1 day for consideration.
Mr. Lea Chmn of Com. on Finance on behalf of said committee reported a Bill to levy a special tax for the relief of soldiers families and asked to be discharged from its further consideration because the same subject in substance has received consideration by the Senate
Mr Lea also made the following reports; See 333 page of this book also p 345

On motion of Mr. Casey the House resolution to adjourn sine die on Monday 2nd March was taken up. Mr. Durrant moved to amend by striking out "Monday 2nd March" and insert "Thursday the 5th inst at 9 oclk A. M." Mr. Guinn moved "10 oclk P. M." Mr. Maxey moved 1 oclk P. M on Friday the 6th inst. Mr. Shepard moved "11 oclk P M Saturday 7th". Mr. Selman moved "9 oclk Monday A. M. the 9th". Mr. Guinn moved to lay Mr Selmans motion on the table. Carried. The question then occurred on Mr Shepards motion "11 oclk P. M Saturday" which was put and lost by the following vote:

Yeas Messrs Cook Ford Graham Guinn Harcourt Hartley Hord, Jordan Lea Lair Maxey Parsons Reed and Shepard. 14

Nays Messrs Andres Beasley, Boyd Burney, Casey Cooper Crawford, Dickson Durant, Moore of A Moore of B. Quayle, Selman, Weatherford & Wheeler 15.

The question being then on Mr. Maxeys motion Mr. Shepard moved "Saturday 8 oclk A. M." which was put and carried. Mr. Hartley moved to lay the resolution on the table. lost. Mr Guinn moved the previous question which was ordered. The main question being the adoption of the resolution was put and carried.

Mr. Shepard one of the Committee on State affairs on behalf of said Committee reported the following bill and recommended its passage.

A Bill to incorporate the Houston Mutual aid association

Mr Dickson moved to take up a Bill to provide a specie fund to enable tax payers to pay the specie tax and the report of finance Committee thereon carried. Bill read 2nd time and passed to 3rd reading. Rule suspended Read 3rd time and passed.

A mesage was received from the House informing the Senate that the House had passed the following bills which were on motion taken up Read 1 & 2 time and severally disposed of as follows.

A Bill to incorporate the Texas Iron Company. Read 1st time Rule suspended Read 2. time and refered to Committee on Internal Improvements

A Bill to punish persons obtaining goods from the penitentiary of the state under false pretences. Refrd to Judy Committee.

A Bill to repeal an act concerning the Alamo ditch in the City of San Antonio and to regulate irrigation therefrom appd Apl 8. 1861 Refrd to Com on Internal Improvements

A Bill making an appropriation for the mileage and pr. diem pay of the members and the pr. diem pay of the officers of the extra session of the 9th Legislature Read 1st 2nd and 3rd times on suspension of the rules and passed.

A Joint Resolution in relation to Public Printing Refrd to Com. on Public Printing

A Joint Resolution in relation to the imprisonment of male slaves for military use. Refrd to Judy Committee

A Joint Resolution in reference to trade on the Rio Grande and extending its benefits to the people of the whole state. Refrd to Com. on State affairs. Also that the House agree to Senate amendment to the resolution to adjourn sine die, and that the House had concurred in Senate amendments to the following bills. A Bill to repeal an act to amend the 1 & 11 sections of an act to authorize the sale of the public domain. A Bill to incorporate the Dallas male and female institute. A Bill to authorize the County Courts of the several Counties therein named to regulate the pay of Sheriffs in certain Cases and a Bill to regulate the sale of beef Cattle &c.

Mr. Shepard one of the Committee on State affairs reported a Bill to incorporate the Washington County Mutual aid society. Read 1st time Rule suspended Read 2nd time. Mr Durrant offered the following amendment "and corporate

&c The supplying their own wants shall sell to the families of destitute soldiers at prime cost and carriage" Mr. Gunnin offered the following substitute "Provided after the persons incorporated in this act shall supply themselves they shall sell to the families of soldiers at cost adopted. The amendment was then adopted. The yeas and nays being called on the engrossment of the bill stood thus;

Yeas Messrs Beasley Burney, Cook Cooper Crawford, Ford Graham Gunnin, Harcourt Hartley, Jordan Lea, Maxey, Moore of Ld. Quayle, Reed, Shepard, Weatherford Wheeler and White 21.

Nays Messrs Andrews Boyd Dickson, Durant & Moore of N.D. 5.

On motion of Mr Harcourt a Bill to incorporate the Columbus mutual aid association was taken up. Read 2d time, Mr. Gunnin moved the same amendment to this bill that has been incorporated in the previous bill, Carried. The bill was then ordered to be engrossed,

A Bill for the organization of the State Troops and prescribing who shall be liable to military duty on report of select Committee recommending amendment, Read 2d time. The question being on the adoption of the amendment of the Committee on motion the Senate adjourned until 7½ oclock P. M.

7½ oclk P M.

Senate met roll called. quorum present

The bill relative to the militia being before the Senate at its adjournment and the question pending being on the adoption of the amendments to the section 8. of Committee was taken and Carried. The question was then taken on the adoption of 2d amendt. to wit strike out "be entitled to the rank and pay of a first lieutenant of Cavalry as fixed by the Confederate States Army regulations" and insert "receive fifty dollars per annum for such service" On motion of Mr Gunnin the amendment was laid on the table.

Mr Hartley offered the following amendment Strike from 2d section "officers and Crew" and insert "Captains, pilots mates and engineers" Carried. Mr Gunnin moved to strike out the word "rank" from seventh section" Adopted. Mr. Beasley moved to insert in 2d Section "Professors of Colleges and Teachers of schools who have been regularly engaged in their professions for the last five years" Mr Harcourt moved to lay the amendment on the table. Carried.

Mr. Hartley offered the following amendment. Sec 9 That whenever a draft may be ordered the Chief Justice of each County in which the draft may be ordered shall appoint one skillful surgeon whose duty it shall be to examine all persons who shall apply for exemption from draft on account of physical disability before the day appointed for the draft and to give a certificate of disability to all such applicants as he may find to be physically disabled from performing military service stating in said certificate the cause of such disability: and said Surgeon before entering upon the duties of his office shall take an oath before an officer authorized to administer oaths that he will faithfully discharge the duties of his office and the Compensation of such Surgeon shall be one hundred Dollars to be paid out of the Treasury of the State' Mr. Weatherford moved to strike out the last clause after the word "Office". Carried. The amendment was then adopted.

Mr. Hartley offered the following amendment. Sec 10 That any person claiming exemption on other grounds than physical disability shall make his showing before the Chief Justice of the County in which he is enrolled and upon the Chief Justice being satisfied of his exemption from military service he shall give his certificate thereto stating therein the cause of exemption and shall file the evidence of the same in the County Clerks office" Mr. Durant moved to lay the amendment on the table. Carried.

Con.r. Mr. Hartley then offered the following to the amendment Strike out "other grounds than physical disability and insert "For any of the causes stated in the second section of this act" adopted. The amendment was then adopted.

Mr. Hartley offered the following amendment Sec 11. That all certificates of exemption from military service shall be filed by the persons obtaining the same in the office of the County Clerk before the day appointed for the draft and the Clerk shall write opposite the name of each person filing such certificate upon the military roll "exempt" adding the cause of exemption and the names of such persons shall be excluded from the draft."

Mr. Parsons moved to lay the bill and amendments on the table, upon which the yeas and nays were called and stood thus.

Yeas; Messrs Andrews Crawford Durrant Jordan, Parsons & Weatherford 5

Nays. Messrs Battle Beasley. Casey Cook Cooper Dickson Ford Graham Irwin Marcom Hartley Lord Lea Lewis Maxey Moore of D. Moore of C. Quayle Reed Selman, Shepard & Wheeler 22. The amendment was not adopted

Mr Lea moved to amend the first section by striking out "fifty" and inserting "seventy" Mr. Dickson moved to lay the amendment on the table. Carried.

Mr. Cooper moved to strike out "2000$" as salary of Adjutant General and insert "1200$" Mr Dickson called for a division of the question. The motion to strike out was then put and lost

Mr. Maxey offered the following amendment. "That at any time when the State shall be invaded it shall be lawful for all able bodied men over fifty years old to form themselves into volunteer Companies to serve for the occasion. They shall be entitled to elect their own Company officers and be received into the State service to repel the invasion" Lost.

Mr. Weatherford moved to strike out of 2nd section the word "postmasters" Carried.

Mr. Lea moved to strike out all that part of the bill requiring the Governor to call for volunteers, adopted Mr. Moore of A moved a reconsideration. Lost.

Mr. Hartley offered to amend the 8th section as follows. After Austin" insert "in which he shall keep a true record of the number and rank of each brigade and regiment in the State called into service" adopted.

Mr. Dickson offered the following amendment "Provides that any Citizen of the State may have the privilege of volunteering without subjecting himself to the draft, if he desire to do so" adopted.

Mr. Hartley offered to amend by inserting after "state" in 9th line of 8th section "keeps the names ranks and dates and Commissions of all general and field Officers in service" adopted.

Mr. Weatherford offered the following amendment after "Legislature" insert "during the session thereof" upon which the yeas and nays stood thus

Yeas Messrs Burney, Casey, Crawford Dickson Graham Marcom Lea Lewis Maxey, Moore of D. Parsons, Quayle Shepard Weatherford & Wheeler 15.

Nays Messrs Andrews Battle Beasley, Cook Cooper Irwin, Hartley Moore of B. Reed and Selman 11.

Mr. Quayle moved the previous question which was ordered. The main question being the engrossment of the bill was put and carried. On motion the rule was suspended. The Bill being on its 3rd reading Mr Lord moved to postpone its further Consideration until 10 o'clock A M to morrow-which on

motion the Senate adjourned until 9½ oclk A. M. to morrow

Tuesday March 3d 1863
9½ oclk A. M.

Senate met. Prayer by the Chaplain. roll called. quorum present.
Mr. Lea chmn. of the Finance Committee made the following report

See page 341 of this book

Mr. Dickson moved to suspend the rules carried and report read and bill taken up viz. A Bill to amend the 3d Section of an act to prescribe what Kind of funds may be received for certain public dues appd Jany 11. 1862 Read 2d time.

Mr. Ford offered the following amendment Strike out "and not being restricted to some time for funding in its bonds or stocks". Mr. Weatherford moved a postponement of the bill and amendment until 3 oclk P M. Carried.

Mr. Parsons chmn. of Com on Internal Improvement on behalf of said Committee reported on a bill to incorporate the Texas Iron Company and recommended its passage. with the following amendments. In 8th line Sec 1. after "personal" insert "in such quantities as may be necessary for the legitimate objects of this Corporation". Add to Sec 6. "and be in force for the period of 25 years"

Mr. Moore of B. one of the committee on Agriculture reported a bill concerning the Alamo Ditch appd Apl 8. 1861 and recommended its passage

Mr. Marcont chmn of the Judiciary Committee on behalf of said committee recommended the passage of the following bills

A Bill to punish persons obtaining goods under false pretences from the Penitentiary.

A Joint Resolution in reference to the impressment of male slaves for military use

A Joint Resolution granting relief to Taylor Sherrod & founded on the memorial of John M. Crockett. Read 1st time

Mr. Marcont chmn of the Committee on Public Printing on behalf of said Committee reported a Joint Resolution in relation to public printing and recommended its passage.

Mr. Durant moved to take up a bill granting land to Texas officers and soldiers in the present war. Carried Bill read 3d time.

Mr. Hartley offered the following amendment Strike out of 2d Section "and the heirs of any such soldier who may have been killed or died in said service shall receive a certificate for one hundred and Sixty" and insert "provided that every soldier from the State of Texas who shall have been disabled in the service and the heirs of every such soldier who shall have died in the service shall receive a certificate for six hundred and forty" Laid on the table by the following vote

Yeas. Messrs Andres Boyd Cooper Crawford Dickson Durant Jordan Kair Maxey, Moore of D. Parsons, Quayle, Seiman, Weatherford 12.

Nays, Messrs Beasley Burney Casey, Ford Graham Irwin, Marcont Hartley Lea Moore of B. Rhepard Wheeler White 13.

The bill being on its 3d reading Mr. Lea moved to postpone until 4 oclk P M. Mr. Quayle moved the previous question which was ordered. The yeas and nays were then taken on the final passage of the bill and stood thus

Yeas Messrs Andres, Boyd, Burney, Casey, Cooper, Dickson Durant, Graham Jordan Kair Maxey Moore of D. Seiman Weatherford Wheeler 15

Nays Messrs Beasley Crawford Irwin Marcont Hartley Lea Moore of B.

Rec Shepard & White 11.

Mr. Casey Chmn of Committee on Engrossed Bills reported Correctly engrossed the following

A Bill to incorporate the Washington County Mutual aid association.

A Bill to incorporate the Columbus mutual aid association

On motion of Mr. Burney a Bill to provide for the defense of the frontier was taken up. Read 2nd time.

Mr. Reed offered the following amendment "That so long as said regiment is in the service of the State the field officers of said regiment are hereby abolished and the Governor is authorized to appoint two Commissioners who shall rank as Captains of Cavalry whose duty it shall be to pass over the line at least once in three months and report to the Governor the Condition, the amount of service done by each company and all matters of interest relating to said service. Said Commissioners shall also act as paymasters for said service. Complaints for misdemeanors committed by members of said service must be made to the Governor who shall with at least two Commissioned officers from said Regiment try the offenders and shall be governed in their proceedings as near as practicable by the regulations usually govern. Courts Martial" Adopted.

Mr. Casey moved to strike out the proviso in section 2. Mr. Hartley suggested the following which was accepted by Mr. Casey. Insert in lieu thereof "that the Governor shall recommend to the Confederate Government to keep said regiment on the frontier of this state" Mr. Quayle moved to lay on the table. Which was carried by the following vote

Yeas. Messrs Boyd. Burney, Cooper, Dickson, Durant, Ford, Graham, Harcourt, Hartley, Hon Jordan, Lair, Maxey, Moore of B. Quayle, Reed, Meath. ford and White 16.

Nays. Messrs Andrews, Beasley, Gunn, Lea, and Wheeler 6.

Mr. Hartley moved to reconsider which Mr Dickson moved to lay the motion on the table. Carried.

Mr Hartley offered the following amendment Insert in 2nd section after "Confederate States" the words "Whenever he shall deem it advisable" and strike out the proviso. Adopted. The bill was then passed to a 3rd reading Rule suspended read 3rd time and passed.

Mr. Hartley by leave Chmn. of Com on State affairs made the following report

See page of this book

On motion of Mr. Gunn the report was taken up, the substitute read and adopted

Mr Lea moved to strike out 600000$ and insert 1200,000$ Mr. Gunn called for a division of the question. The motion to strike out was put and lost Mr. Quayle moved to strike out "1862" and insert "1861"

On motion the Senate adjourned until 3 o'clk P.M.

3 o'clk. P.M.

Senate met. Roll called. Quorum present.

The question being on Mr. Quayles amendment to strike out "1862" and insert "1861" by leave it was withdrawn when Mr Burney renewed the motion. Mr. Gunn offered the following substitute for the amendment "according to the returns of 1861 & 1862 taking as a basis for the distribution to those counties which have not returned their tax for both years the year for which there is a return for the County" Adopted and bill passed to a 3rd reading Rule suspended Read 3rd time and passed.

A Bill to amend the act to prescribe what kind of funds shall be received for public dues being the special order was read 2nd time. Mr. Ford's amendment being under consideration Mr. Burney moved to lay the bill and amendment on

the table. The yeas and nays being called for Mr. Lea moved a call of the Senate which was sustained. The Senate not being full Mr. Parsons moved to take up bill to incorporate the Texas Lead and Copper mine Company, carried Bill read. 2nd time and ordered to be engrossed - Rules suspended Read 3rd time and passed by the following vote.

Yeas Messrs Andrews Beasley Burney Casey Cook Cooper Crawford Dickson Durant Ford Graham, Guinn Hord Jordan, Lea Lair, Moore of M. Moore of B. Parsons Quayle Selman Shepard, Weatherford & White 24

Nays Mr. Boyd 1.

Mr. Hord by leave made the following report. The committee on State affairs have maturely considered the Joint Resolutions in regard to trade and herewith report a substitute for the 3. 4. and 5. resolutions and recommend its adoption and the passage of the Joint Resolutions

On motion of Mr. Guinn a Bill to punish those who have taken the alien oath &c was taken up Read 2nd time Mr. Hord offered the following amendment. Insert "no persons who has borne arms during the present war, against the Confederate States' unless relieved by a vote of two thirds of the Legislature." Mr. Weatherford moved the following as an amendment which was accepted by Mr Hord viz "and unless such persons are residents of such state or states which are now at war with the Confederate States as shall first become a member of this Confederacy" Mr. Hord by leave withdrew the amendments. when Mr. Hartley offered the following: Strike out of 1st section "take the oath commonly known as the alien oath whereby he claims the protection of any foreign government as a shield from serving in the cause of the Confederate States in the present struggle or who may" Mr. Harcourt offered the following as a substitute "Provided that persons who have proven themselves to be bona fide neutrals and citizens of a friendly power shall not be subject to the provisions of this act." Mr. Hartley moved to postpone further Consideration until to morrow 10 oclk a.m. Mr. Ford moved to lay the motion on the table. Carried. Mr Harcourts substitute was then adopted. The amendment was then adopted and bill passed to a 3rd reading. Rule suspended Read 3rd time and passed.

The Senate being full the question was taken on Mr Burneys motion to lay on the table bill relative to what kind of winds &c &c The yeas and nays were as follows.

Yeas. Messrs Andrews Beasley Boyd Burney Casey Cooper Crawford Durant Guinn Harcourt Jordan Lair Maxey, Moore of M. Moore of B. Parsons Quayle Weatherford & Wheeler 19

Nays Messrs Battle, Cook, Dickson, Ford, Graham, Hartley, Hord Lea Reed Shepard and White 11.

On motion of Mr. Graham a Bill appropriating money to defray the expenses incurred for rations and forage of 21st Brigade T. S. T. was taken up Read 2nd time and passed to a 3rd reading. Rule suspended Read 3rd time and passed.

Mr. Harcourt moved to take up a resolution relative to contract by Military Board with Taylor Sherrod and Co. carried and Resolution read 2nd time - Mr. Hartley offered the following amendment "Provided the said parties shall furnish to the military board 400 pistols at 75$ each" Mr. Casey offered substitute for the amendment "Provided said Company shall furnish to the military board for the State at the Contract price (40$) a sufficient number of pistols to pay the amount advanced by the State to said Company" Mr. Hartley withdrew the amendment Mr. Casey consenting that the substitute should be considered part thereof. Mr. White offered the substitute of Mr. Casey as above as an amendment to the resolution Mr Cook moved to lay on table. Carried. The resolution was then ordered to be engrossed. Rule suspended Read 3rd time and passed

On motion the Senate adjourned until 9 oclk A M to morrow.

Wednesday March 4. 1863
9 oclk A M.

Senate met. Prayer by the Chaplain. Roll called. Quorum present. The journal of yesterday was read and adopted.

Mr. Casey Chmn of Comm. on Engrossed bills reported a Bill for the organization of the State troops and prescribing who shall be liable to military duty: Correctly engrossed.

On motion of Mr. Gurrin the bill was taken up. Read 3rd time. Mr. Gurrin moved to amend by paying the enrolling officers by the respective County Courts" Mr. Marcont offered the following "And the County Court may determine the time necessarily occupied in making the enrollment" Adopted. The amendment was then adopted. The yeas and nays were then called on the final passage of the bill and stood thus.

Yeas; Messrs Andres, Beasley, Boyd Burney Casey, Cook Cooper Erickson Guerra Graham Gurrin Marcont, Rea Davis Maxey, Moore of A. Moore of B. Quayle Rea Shepard and White.

Nays Messrs Ford. Hartley Jordan, Parsons Selman Mea Rainford & Rhea.

Mr. Hartley Chmn of Committee on State affairs reported Senate bill authorizing the Governor to manufacture Salt and recommended its passage Also a Bill to incorporate the Texas paper manufacturing Company with the following Amendments In last line 1st section before "seal" insert "inch" At end of section insert "as may be necessary for the purpose of carrying out the object of this charter" Also A Bill to prohibit distillation of Corn &c into spiritous liquors &c with amendments as follows. Strike out of caption "Corn and other cereals, Strike out of Sec 1. "Corn and other grain into" Strike out of Sec 1. "Convert into Alcohol or Spirituous liquors any Corn or other grain unless as is herein provided" and insert "manufacture alcohol or spirituous liquors" Strike out of 2. Sect. "other purposes" and insert "mechanical and chemical" Strike out of 2 line 2 Sect. "Convert into" and insert "manufacture" Strike out of 3. line in 2nd Sect. "any Corn or other grain or the product of any Corn or other grain"

On motion of Mr Quayle a bill to supply a deficiency in a certain appropriation for paying officers and soldiers of state troops on report of Committee on finance recommending substitute was taken up. Read 2nd time, substitute adopted and ordered to be engrossed Rule suspended Read 3rd time and passed.

On motion of Mr. Moore of A. a Bill to incorporate the Texas Iron Company was taken up. Read 2nd time. substitute adopted and passed to a 3rd reading Rule suspended Read 3rd time and passed on Call of Yeas and Nays unanimously.

On motion of Mr. Ford the bill to incorporate the Texas paper manufacturing Company was taken up. amendments adopted and bill passed to 3rd reading Rule suspended Read 3rd time and passed by Constitutional Majority Mr. Boyd voting Nay.

Mr Ford Chmn of Committee on Enrolled bills reported the following bills correctly enrolled properly signed and presented to the Governor for his approval "A Bill authorizing judgments to be rendered in certain cases requiring property levied upon by execution or sold under deeds of trust or mortgage to bring nine tenths of its appraised value."

A message was received from the House informing the Senate of the passage of the following Joint Resolution

A Joint Resolution in relation to certain salaries near Double Mountain.

The House disagree to Senates amendments to Bills relative to frontier protection and has appointed Messrs Flewellyn Nelson, Alford, Cockle, and Hale a committee of Conference thereon. Whereupon on motion the Senate refused to recede and appointed Messrs

Reed Ford and Graham a committee of free Conference on the part of the Senate.

Also that the House refuse to adopt the Senates substitute to House bill to provide for support of families of Texan soldiers and has appointed Messrs Lemm, Potter, and Williams a committee of free Conference thereon, Whereupon. Messrs Hartley and Lea were appointed a like committee on the part of the Senate. Also has passed Senates bill appropriating 200000$ for relief of sick and wounded Soldiers with an amendment which was concurred in

On motion of Mr. White Joint Resolutions in regard to trade were taken up. Read 2. time amendments of committee adopted and bill ordered to be engrossed. Rule suspended. Read 3 time and passed.

A Bill to incorporate the Houston mutual aid association Read 2nd time and passed to a 3rd reading. Rule suspended Read 3rd time and passed by Constitutional majority Mr. Boyd voting Nay.

A Bill to incorporate the Columbus mutual aid association Read 3rd time and passed by a constitutional majority Mr. Boyd voting Nay.

A Bill to incorporate the Washington County Mutual aid association Read 3rd time and passed by Constitutional majority Messrs. Boyd and Durant voting Nay.

Mr. Gwinn moved to take up the bill to prevent the distillation of grain &c Carried. Mr. Quayle moved to lay the amendments offered by committee on the table. The Yeas and nays stood. Viz,

Yeas. Messrs Beasley, Boyd, Burney, Cooper, Dickson, Gwinn Jordan Lea, Lair Maxey Quayle & Wm Rutherford 12

Nays. Messrs Andres Battle Casey Ford Harcourt, Hartley Moore of B. Parsons Shepard Wheeler & White 12 The President voted Yea.

Mr Selman offered the following amendment "Provided that this act shall not apply to any person or persons who distil spirituous liquors from the grain produced by such person or persons on his or her own premises for the private use and consumption of such person or persons owning said premises"

Mr. Burney moved to lay the amendment on the table Whereupon the Yeas and nays were as follows: Yeas Messrs Beasley, Boyd, Burney, Cooper, Crawford, Graham, Gwinn, Lea, Lair Maxey Moore of B Quayle, & Rutherford 13.

Nays. Messrs Andres Battle Casey Cook Dickson Ford, Harcourt, Hartley, Hord, Jordan Parsons Reed Selman, Shepard Wheeler & White 16.

The Yeas and Nays were then called on the adoption of the Amendment and stood thus,

Yeas, Messrs Andres Battle Casey, Cook, Dickson Durant, Ford, Harcourt, Hartley, Hord Jordan, Parsons. Reed, Selman, Shepard Wheeler & White 17.

Nays. Messrs Beasley, Boyd Burney, Cooper Crawford Graham, Gwinn Lea Lair Maxey, Moore of C. Moore of B. Quayle & Rutherford 12 The bill was then passed to a 3rd reading

Mr. Reed made the following report,

"The committee of free Conference have considered the Senates Amendments to the House bill to provide for the defense of the frontier and repealing certain sections of an act to provide for the protection of the frontier appd 21. Dec. 1861 and report the following: We accept the 3rd section an amendment made by the Senate and reject the Senates Amendment made to the 2nd Section and report back for adoption the 2nd Section of the House bill in lieu thereof; Adopted

A Bill to define the offense of inciting insurrection &c Read 2nd time Rule suspended Read 3rd time and passed.

On Motion of Mr Hord a Bill to punish certain persons for the unlawful seizures of wagons teams &c was taken up. Read 2. time, amendment of committee adopted & bill ordered to be engrossed. Rule suspended - Read 3rd time and passed.

Mr. Lea by leave introduced a bill to incorporate the Goliad County aid association, Read

1st time Rule suspended. Read. 2nd time & ordered to be engrossed. Rule suspended. Read 3rd time & passed by a constitutional majority Mr Boyd voting nay.

Mr. Lea by leave introduced a bill to authorize the Comptroller to suspend the collection of the ordinary taxes if necessary Read 1st time and on motion laid on the table.

Mr. Hartley made the following report, "The Committee of free Conference to whom was referred the Senates substitute for the House bill to provide for the support of the families of Texas soldiers have agreed that the words "out of any money in the Treasury not otherwise appropriated" shall be stricken from the substitute, and recommend the adoption of this amendment and the passage of the substitute." Adopted

On motion Mr. Crawford was excused from further attendance after to morrow morning on the Senate this extra session.

On motion the Senate adjourned until 3 oclk P. M.

3 oclock P. M.

Senate met. roll called quorum present.

A message was received from the House informing the Senate that the House had passed the following bills.

Senates bill appropriating 20000$ for recovering the roof of the Capitol and other public buildings with an amendment which was concurred in.

Senates Joint Resolution in regard to trade,

A Bill to incorporate the San Antonio Mutual aid association

A Bill supplemental to an act to define the duties of Secretary of State

A Bill supplemental to an act defining the duties of Notaries public. Read 1st time Rule suspended Read 2nd time and passed to 3rd reading Rule further suspended Read 3rd time and passed.

A Bill to amend the 12 & 15 sections of an act regulating elections &c

A Bill to amend an act amendatory of the laws to raise revenue by taxation. Read 1st time and Refered to Com. on Finance.

A Joint Resolution in relation to John R. Baylor on motion taken up Read 1. time Rule suspended Read 2. time and passed to 3rd. reading. Rule further suspended Read 3rd time and passed.

Senates bill to incorporate the Texas lead and Copapen mine Company

A Bill authorizing the purchase of Machinery for the use of the Penitentiary.

A Bill to authorize the Treasurer to pay out Confederate notes for civil and military purposes.

A Bill regulating the manner of Collecting taxes and repealing certain laws.

Senates Joint Resolution relative to the Contract of the State with Sherrod. Taylor & Co

Mr. Harcourt introduced a Joint Resolution in relation to printing the laws of this extra Session. Read 1st time. Rule suspended Read 2. time Mr. Casey offered the following amendment "provided that one copy of each paper be sent to each County Clerk each district Clerk and each member of the present legislature" Mr. Durant moved to lay the resolution on the table. lost. Mr. Graham offered the following "and further provided that each member pay the subscription price of the same." Laid on the table. The amendment of Mr. Casey was then adopted. Mr. Parsons moved to amend as follows "and one copy to each Supreme and District Judge in the State" Adopted. The resolution was then ordered to be engrossed Rule suspended Read 3rd time and passed.

A Bill declaring void any sale made by the public enemy who may occupy any portion of the State of Te. as on report of Committee recommending that it do not pass. Read 2 time Report of Committee laid on table. and Bill passed to a 3rd reading. Rule suspended Read 3rd time and passed.

A Bill to provide against the hostile invasion of Texas by persons of Color. Read 2. time

and passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill to amend the penal code. Read 2 time and passed to a 3rd reading. Rule suspended. Read 3rd time and passed

A Bill to amend an act to establish a code of Criminal proceedure on report of Judiciary committee recommending that it do not pass. Read 2. time and report adopted

A Joint Resolution Concerning certain salines near Double mountain Read 1st 2. time and referred to committee on State affairs.

A Bill requiring the County Clerks to procure a black book on report of committee on State affairs recommending that it do not pass. Read 2nd time Mr. Weatherford moved to lay the report on the table. Carried. Mr. Weatherford then offered a substitute for the bill. Mr. Ford moved to indefinitely postpone the bill and substitute. The Yeas and Nays stood as follows.

Yeas Messrs Ford Harcourt Hartley, Ford Lea Maxey, Moore of B. Reed & Shepard 9.

Nays. Messrs Andres Beasley Boyd Burney, Cook Cooper, Dickson Durant, Graham Gurrin Kair, Moore of D. Parsons. Quayle, Selman. Weatherford, Wheeler & White 18.

Mr. White moved to recommit the bill to committee on State affairs. Lost. Mr Harcourt moved to refer substitute to committee on Penitentiary. Lost. The substitute was then adopted.

Mr. Ford offered the following amendment Strike out 'Black' and insert 'Blue.' On motion laid on the table

The Yeas and Nays being called on the engrossment of the bill stood thus,

Yeas. Messrs Andres, Beasley, Boyd Cooper, Dickson, Durant, Graham, Gurrin, Kair, Parsons Quayle Weatherford & Wheeler 13.

Nays. Messrs Ford Harcourt, Hartley, Ford, Lea, Maxey, Moore of B. Reed, Selman Shepard & White 11.

Mr. Weatherford moved to suspend the rule. Carried. Bill read 3 time and passed by the following vote,

Yeas Messrs Andres Beasley, Boyd, Cook Cooper, Dickson, Durant, Graham Gurrin Kair Parsons Quayle, Weatherford & Wheeler, 12

Nays. Messrs Ford, Harcourt Hartley Ford, Jordan, Lea, Maxey, Moore of B. Reed Selman Shepard & White 12.

A Joint Resolution in relation to the impressment of male slaves. Read 2. time Mr. Cooper moved to lay on the table, The Yeas and nays answered thus.

Yeas Messrs Andres Beasley Boyd Burney Cooper Dickson Harcourt Jordan Lea Kair Maxey Moore of B. Quayle Reed Selman Shepard & Wheeler 17.

Nays Messrs Cook Durant, Ford Ford Parsons & Weatherford 7.

A Bill to punish persons who evade or assist in evading the Conscript laws on report of committe recommending a substitute. Read 2nd time substitute adopted and ordered to be engrossed Rule suspended Read 3rd time and passed

Mr. Maxey by leave introduced a Bill to incorporate the Kaufman county mutual aid association Read 1st time Rule suspended Read 2 time and ordered to be engrossed. Rule further suspended Read 3rd time and passed. by Constitutional majority Mr. White voting Nay.

Mr. Shepard by leave made report on behalf of Committee on State affairs on a Joint Resolution relative to certain Salines, near Double Mountain and recommended it to the consideration of the Senate.

On motion the Senate adjourned until 7 o'clk P. M.

7 1/2 o'clk P. M.

Senate met. roll called. quorum present

Mr. Burney moved to take up Bill to prohibit the distillation of grain &c. carried Rule suspended. The Yeas and Nays on the final passage of the bill stood thus;

Yeas Messrs Battle Beasley, Boyd, Burney, Cooper, Crawford, Graham, Gurrin

Hartley, Lea, Lair, Maxey, Moore of D. Moore of B. Quayle & Weatherford. 16 Chays. Messrs Andres Casey, Cook Dickson, Ford, Harcourt, Hord, Parsons, Reed, Selman & White 11.

Mr. Guinn by leave introduced a Joint Resolution relative to the imprisonment of Slaves. Read 1st time Rule suspended. Read 2nd time. Mr. Guinn moved to amend by inserting "1$ per day and rations" Mr. Hord offered the following. "but in case of such imprisonment compensation shall be allowed for the labor of said slaves according to the value thereof at the time of their imprisonment" accepted by Mr. Guinn. Mr. Wheeler offered the following substitute "Provided that the owners of said slaves shall receive for their services the same pay which soldiers in the Confederate army are allowed and rations" Mr. Hartley moved to lay the substitute on the table. Mr. Harcourt moved to amend the motion by laying the bill and amendments on the table upon which the yeas and nays were as follows

Yeas Messrs Andres. Cooper, Dickson Graham, Harcourt, Lea, Moore of B. Reed Selman, Shepard & Wheeler 11.

Nays. Messrs Batte, Beasley, Boyd, Burnett, Crawford, Ford, Guinn, Hartley, Hord Lair, Moore of D. Parsons, Quayle, Weatherford 14.

The question recurred on laying. Mr. Wheelers substitute on the table which was put and carried. Question on the adoption of Mr. Hords amendment as accepted by Mr. Guinn Mr. Dickson offered to amend as follows "and provided further that in any case which may be made for slaves as aforesaid the different Counties of the State be required to furnish their fair proportion of such requisition"

Mr. Hartley moved to lay bill and amendments on the table. The yeas and nays stood thus.

Yeas. Messrs. Andres Boyd Cooper, Dickson Graham, Harcourt, Hartley, Hord Lea, Moore of B Reed Shepard Wheeler & White 14

Nays. Messrs Batte, Beasley, Ford, Guinn, Lair, Moore of D. Parsons, Quayle Weatherford 9.

Mr. Hartley Chm of Committee on State affairs made the following report.

"The Committee on State affairs has had under consideration the House Joint Resolution of thanks to Gen Magruder officers and men, also House joint Resolution tendering thanks to Maj. O. M Watkins and the officers and soldiers under his command and has instructed me to report the accompanying Joint Resolution entitled a Joint Resolution of thanks to Gen Magruder and others as a substitute for the first above mentioned resolution and that the other be laid on the table." Report taken up and adopted. Mr. Lair offered the following amendment. "Resolved that Gen Sam Bell Maxey of Texas is entitled to and is hereby tendered the thanks of the State for his military science skill and gallantry displayed in his attack upon and capture of the enemys strong fortifications at Bridgeport and Battle Creek on the Tennessee river on the 27th of August 1862 which was denominated by Genl. Bragg as one of the most dashing and gallant achievements of the war" The amendment being withdrawn Mr. Dickson moved to strike out "Legislature" and insert "people" adopted. The bill was then passed to a 3rd reading. Rule suspended. Read 3rd time & passed.

On motion of Mr. Harcourt the vote adopting the report of the Select committee recommending that a bill to amend the penal code do not pass was reconsidered & Bill taken up. Read 2nd time. Mr. Guinn moved to strike out amendments to art 156.

Mr Hartley by leave. chm of Com. on State affairs reported a Joint Resolution to restrain the illegal exercise of military authority in the State of Texas and asked to be discharged from its further Consideration.

On motion the Senate adjourned until 9 o'clk A. M. to morrow

Thursday Mar 5th 1863
9 o'clk A. M

Senate met. Prayer by the Chaplain. roll called. Quorum present. The journal of yesterday was read and adopted.

Mr. Ford introduced a bill to incorporate the Caldwell county mutual aid society. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed on Call of Yeas and Nays unanimously.

Mr. Dickson offered the following resolution. "Resolved that the Secretary of the Senate be and he is hereby instructed to place in the office of the Secretary of State the archives of the Senate of the late Republic of Texas now in the Senate Chamber, and that he shall procure a well bound book in which he shall record the journals of the last regular session and of this extra session of the Senate for which he shall receive Compensation at the rate of twenty Cents for every hundred words provided the whole amount shall not exceed Five hundred Dollars to be paid out of the Contingent fund of this extra session of the legislature in addition to which duty he shall have a general supervision of the Senate Chamber during the recess of the Senate for which no further Compensation shall be made." Adopted.

A message was received from the House informing the Senate that the House had passed the following bills:

An Bill to provide necessary assistance for families and other dependents of officers and soldiers with amendments,

An Bill to incorporate the Columbus mutual aid association

An Bill to incorporate the Washington County mutual aid association

An Bill to incorporate the Goliad County mutual aid association

An Bill to supply a deficiency in a certain appropriation for paying officers and soldiers of State Troops

Substitute for Senates bill to punish Certain persons for unlawful seizures of wagons and Teams.

An Bill to provide for electing Senators and Representatives for 10th Legislature for 1863 in counties occupied by the public enemy.

A Bill making further appropriations for the support of the State Government which was taken up Read 1st time. Rule suspended. Read 3rd time Mr Lea offered the following Amendments "For purchase of fire wood, Stationery and for fitting up the Capitol repairing and taking care of furniture of same for the next legislature 3000$. Adopted For Yearly Salary of assistant Clerk to the Secretary of State in lieu of extra Clerk hire 900$. Mr. Hartley moved to lay this proposition on the table. Lost. Mr Hartley then moved to strike out "Yearly Salary" and insert "for extra Clerk hire". Carried. and to strike out "in lieu of extra Clerk hire" carried. Mr. Lea moved to strike out "900$" and insert "300$" and to insert the word "additional" before "extra" carried, and amendment adopted. For additional appropriation to Secretary of State for wood and porter hire. 200$. Adopted. For additional appropriation to same for postage. 100$. Adopted. For additional appropriation to same for Stationery 300$. Adopted.

Adjutant and Inspector Generals office.

For wood and porter hire 100$ adopted. For Postage 150$. Adopted. For Stationery 300$. Adopted.

Mr. Parsons moved to amend by appropriating 900$ for pay of Supreme Court Librarians. Carried. and bill ordered to a 3rd reading. Rule suspended Read 3rd time and passed.

Mr. White introduced a Joint Resolution in relation to Gen. H. H. Sibley. Read 1st

time. Rule suspended. Read 2. time and refer'd to Com'e on Military affairs.

Mr. Gwin offered the following resolution "Resolved by the Senate that the Secretary of the Senate be and he is hereby directed to issue Certificates for the full per diem pay to such Senators as were not present at the Commencement of the present session but who have since arrived and attended the Senate and were detained by sickness or high water while they started in time to reach the Capitol if they had not been detained by sickness or high water." Adopted.

Mr. Reed moved to reconsider the vote adopting the report of Committee of Conference on the Frontier bill. Carried and the bill recommitted.

Mr. Lea Chm. of Com'e on Finance made the following report.

See page 304 of this record.

On motion the bill referred to was taken up Read 2. time. Mr. Shepard moved to strike out all in relation to taxing cotton in hands of third parties. Mr. Ward offered the following as a substitute Strike out "all cotton not in the hands of the producer." and insert "all cotton or other produce of the soil of the growth of years previous to the year 1863". On motion of Mr Burney laid on the table. The question then recurred on Mr. Shepards amendment and the Yeas and Nays stood thus.

Yeas Mess'rs Andrews Beasley Dickson Dupont, Gwin, Marcont, Hartley, Ward Jordan, Reed, Selman, & Shepard 12.

Nays Mess'rs Burney, Casey Cook, Graham Lea Lane Maxey Moore of B. Parsons Quayle Wheeler & White 12. The President pro tem being in the Chair the Amendment was lost

Mr. Shepard offered the following amendment after Cotton" add "Wheat, Flour, Corn and all other products of the soil". Mr Burney moved to lay the amendment on the table and the Yeas and Nays answered thus

Yeas Mess'rs Burney, Graham Gwin, Jordan, Maxey, Parsons, Quayle, & Wheeler 9.

Nays Mess'rs Andrews Beasley, Casey, Cook, Dickson, Dupont, Marcont Hartley Ward Lea Lane Moore of B. Reed Selman Shepard and White 16.

The question on the adoption of the amendment being taken was carried and the bill passed to a 3rd reading. Rule suspended Read 3rd time and passed.

Mr. Reed made the following report. "The committee of free conference to whom was referd a bill to provide for the defense of the frontier appd and repeal ing certain sections of an act to provide for the protection of the frontier appd Dec 21 1861 having had the same under consideration report the House bill as originally passed for adoption rejecting all amendments made by the Senate." Adopted

A Bill to provide necessary assistance for families and other dependents of soldiers

or amendments of the House in which the Senate refused to Concur.

The Committee on Enrolled bills reports the following correctly enrolled, properly signed and presented to the Governor.

A Bill appropriating 200000$ to be expended for the relief of the sick and wounded soldiers of the State of Texas in the army of the Confederate States, and

Joint Resolution in regard to trade.

A Bill authorizing the purchase of Machinery for the Penitentiary Read 1st time Rule suspended Read 2. time and passed to 3rd reading Rule further suspended Read 3rd time and passed.

A Bill to amend the code of Criminal procedure Read 2. time Rule suspended Read 3rd time and passed.

Mr. Shepard offered the following "Resolved that the Senate present their per diem for one day to the hospital fund for the benefit of the Texan Soldiers in Arkansas in exchange for tickets to the tableaux to night" Mr. Beasley offered to amend by inserting "those who choose to do so" lost. The resolution was then laid

on the table. Mr. Selman moved a reconsideration. lost.

A Bill to amend the laws relative to the assesment and collection of Taxes Read 1st & 2d time and refer'd to Committee on finance.

A Bill authorizing the Treasurer to pay out Confederate notes for civil and militam purposes. Read 1st time Rule suspended Read 2 time and passed to 3rd reading. Rule further suspended Read 3rd time and passed.

A Bill amendatory of and supplemental to the several acts regulating elections Read 1 time Rule sus. Read 2. time Rule further suspended Read 3rd time and passed.

A Bill to punish persons obtaining goods from the Penitentiam under false pretences. Read 2. time and passed to a 3rd reading. Rule suspended Read 3rd time and passed.

A Joint Resolution Concerning certain Salines near Double Mountain Read 2nd time Rule suspended Read 3rd time and passed.

A Bill to provide for public printing Read 2nd time Rule suspended Read 3rd time and passed.

On motion the Senate adjourned until 3 oclk P. M.

3 oclk P. M.

Senate met. roll called. Quorum present.

Mr. Hartley moved to reconsider the vote passing a bile to make further appropriations for the support of the Government. Carried Mr. Hartley then moved to amend by inserting "For Postage Comptrollers office 800.00 Eight hundred dollars For Stationery 1000$ adopted. For Stationery Executive office 300$ For postage 300$ adopted. Mr. Lea moved to amend so as to appropriate 800$ for deficiency for taking scholastic population for 1862 & 1863 carried. The bill was then passed.

Mr Lea made the following report. "The Committee on Finance to which was refer'd a House bill Regulating the manner of Collecting taxes and repealing Certain laws Has considered the same as well as practicable at this stage of the Sesion and reports the bill back to the Senate for its action recommending its prompt passage without any amendment."

A message was received from the House announcing that the House refuse to recede from their amendments to a bile to provide necessary assistance for the families and other dependents of soldiers and had appointed Messrs Towne Potter and Parker a committee of free Conference thereon and request the appointment of a like committe on the part of the Senate, Whereupon Mr. Lea and Mr. Moore of D. were appointed a committee on the part of the Senate.

Mr. Ford made the following report. "The Committee on Militam affairs to whom was refered a joint Resolution in regard to Gen. A. N. Sibley have adopted a substitute for the same and have instructed me to report the original resolution and the substitute back to the Senate and recommend the passage of the substitute:

A Bill to repeal an act concerning the Alamo ditch in San Antonio Read 2nd time Rule suspended Read 3rd time. and passed.

A Bill to authorize the Governor to regulate the Manufacture of salt Read 2. time Mr. Hartley offered the following amendments- Insert at end of 2nd section "at any salt Springs the title to which have not passed out of the State" adopted and bill ordered to be engrossed Rule suspended Read 3rd time and passed.

The committee on Enrolled bills reported the following correctly enrolled properly signed and presented to the Governor. A Bill to incorporate the Texas land and copper mine Company. Joint Resolution in relation to the contract of the Militam Board with Sherrod Taylor & Co

A message from the House announced the adoption of a substitute for Senate bill

relative to Militia &c which on motion was taken up. Read 2nd time. Mr. Harcourt moved to refer to Committee on Military affairs. Lost Mr Ford moved to strike out "professors and teachers in schools and academies having twenty or more scholars" in second section. Lost Mr. Ford moved to strike out 4th Section. Lost. Mr. Harcourt offered the following amendment "Provided this act shall not be so construed as fixing the salaries of enrolling officers for making the enrollment under the Conscript laws". Mr. Casey moved to lay the amendment on the table, Carried. Mr. Ford moved to amend by inserting after "Academies" "who have been engaged as such for three years last past." On motion of Mr. Hartley laid on the table. Mr Ford then offered an amendment by way of substitute for the bill as follows. "Be it enacted by the Legislature of the State of Texas Sec 1. That Company battalion and regimental drill is suspended during the continuance of the present war.

Sec 2. That all militia officers shall hereafter be liable to be drafted into the military service as other militia."

On motion of Mr. Beasley laid on the table.

Mr. Harcourt offered the following amendment "Strike out all that portion of the bill which authorizes or recognizes the creation or continuance of the Brigadier Generals and field and Company officers" Mr Dickson moved the previous question which was ordered. Mr Harcourt moved a call of the Senate which was not sustained. The main question shall the bill pass to a 3rd reading was then put and carried. Rule suspended, bill read 3rd time and passed.

A message from the House announced the passage of a Joint Resolution in relation to disbanding the military organization known as the Coast guards.

A Bill to amend an act to punish speculations in certain cases with amendments which on motion were concurred in by the Senate. and

Senates bill to incorporate the Caldwell County mutual aid association

Mr. Quarle made the following report. "The Joint Committee of free Conference on the House bill to prohibit the distillation of Corn or other grain into alcoholic or Spirituous liquors in the State of Texas during the present war with the Senates amendments have met and the majority of the Committee recommend that the Senate recede from its amendments"

On motion the report was taken up and the yeas and nays on its adoption stood Ayes 19 Yeas Messrs Beasley, Burney, Graham, Gurley, Rea, Reid, Mayes, Moore of Ld. Moore of B & Quarle: 10.

Nays Messrs Andrews Battle, Casey, Dickson, Ford, Harcourt, Hartley, Hord, Parsons, Rees Selman and Shepard. 12.

Mr. Rea made the following report on bill to provide necessary assistance for families and other dependents of soldiers. (See page of this record) which on motion was taken up and adopted.

On motion the Senate adjourned until 9 o'clk A M to morrow.

Friday March 16. 1863 9 o'clk A M

Senate met. Prayer by the Chaplain, roll called quorum present. The journal of yesterday was read and adopted.

Mr. Burney chmn of Comt. on Land office reported a Bill to reduce the number of clerks &c. and recommended that it do not pass. Rule suspended Report taken up and adopted.

A Bill to repeal art 123 of Chap 6. and Art 173 & 176 Chap 12 of the Penal code was read 2nd time and laid on the table.

A Joint Resolution to make Confederate money a legal tender. Read 2 time and laid on the table.

A Bill appropriating 1000$ to pay the expenses of taking up &c. Drowned

slaves. Read 2nd time and laid on the table.

A Joint Resolution in relation to disbanding the military organization known as Coast guards Read 1. time Rule suspended Read 2. time and passed to 3rd reading. Rule suspended Read 3rd time and passed.

A Bill providing for the election of Senators and representatives to the 10th Legislature in counties occupied by the public enemy. Read 1st time. Rule suspended Read 2nd time and passed to 3rd reading. Rule further suspended Read 3rd time and passed.

A message was received from the House informing the Senate that the House had passed a bill to authorize the release of sureties on bonds of assessors and collectors. On motion taken up and read 1st time Rule suspended Read 2. time and passed to 3rd reading. Rule further sus. Read 3rd time and passed

A Bill supplemental to acts to raise a revenue by taxation which on motion was taken up Read 1st time Rule suspended Read 2nd time. Mr. Dickson moved to strike out the tax upon Lawyers & Physicians. Upon the adoption of which the Yeas and Nays were called and stood thus: Yeas, Messrs Batte Beasley, Casey, Cook, Dickson, Graham, Harcourt, Hartley, Kerr, Maxey Moore of D Parsons Selman & Wheeler 14

Nays. Messrs Andres, Burney, Durant, Ford, Gunn, Hord, Lea Moore of B. Quayle Reed and White 11.

Mr Parsons moved to strike out "1000%" as tax on distilleries and insert "500%" Mr Ford moved to lay on the table. Carried. and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed. The Senate was informed that the House agree to the Senates amendment to this bill That the House had passed a Joint Resolution Concerning retaliation. Read 1st time Rule sus Read 2nd time and passed to 3rd reading. Mr Hord moved to strike out "Vetoler known as Butler the beast" lost. The bill was then read 3rd time and passed

A Joint Resolution in response to Joint resolutions of the State of Florida" Read 1st time Rule suspended Read 2nd time and passed to 3rd reading - Rule sus. suspended Read 3rd time and passed.

A Bill to amend the 6th Section of an act relative to the registration of deeds &c. approved May 12. 1846. Read 1st time. Rule suspended Read 2nd time and passed to 3rd reading. Rule suspended Read 3rd time and passed.

A Bill to authorize the Comm. of Genl A. office to issue certificates &c with amendments of the Senate Concurred in by the House.

Mr. Ford offered the following "Resolved that the Secretary of the Senate be authorized to employ such assistance in the engrossing and enrolling of bills as may be necessary," adopted

A Bill to remit the State Taxes on certain property within certain incorporated towns Read 2nd time. The Yeas and Nays being called on the engrossment of the bill stood thus:

Yeas Messrs Beasley, Cook Hartley, Hord, Quayle, Reed & Shepard. 7.

Nays. Messrs Andres, Batte, Dickson, Durant, Ford, Graham, Gunn, Harcourt Lea. Kerr, Maxey, Moore of B. Parsons, Selman, & Wheeler. 15 So the bill was lost.

Mr. Kerr made the following report. "The committee on finance to which was referred a Bill to provide for the purchase of 20000000$ in the Currency of the Confederate States has considered the same and reports it back to the Senate without being prepared to express at present a well matured view of the subject and therefore requests to be discharged from further consideration of the bill the session being about to close."

A Joint Resolution in relation to Gen A. H. Sibley. Read 2nd time. Substitute of Com. adopted. Mr. Cook offered the following amendment. "And that the charges preferred against him for his conduct in Arizona and New Mexico be properly investigated" Adopted.

Mr. Shepard moved to strike out all of Pr. Resolution after the enacting clause to the word "Confidence" inclusive. Mr. Cook moved to lay the amendment on the table. carried The resolution was then ordered to be engrossed Rule suspended Read 3rd time and passed.

Mr. Hartley introduced Joint Resolution relative to Committee on the examination of the Penitentiary Read 1st time Rule suspended Read 2nd time and ordered to be engrossed. Rule susp? Read 3rd time and passed.

Mr. Parsons made the following report. "The Committee on Internal Improvements have had under Consideration the accompanying bill to authorize the Comm of the Genl. L. Office to issue to all persons and Corporations such land Certificates as they may be entitled to receive under any General or Special Law of the State and have instructed me to report the same back to the Senate and recommend its passage with the following amendment. Sec 1. Strike out all after the word "State" in the 8th line". amendments adopted and bill passed to 3rd reading Rule suspended Read 3rd time and passed.

A Bill to incorporate the San Antonio Mutual aid association Read 2nd time and passed to a 3rd reading. Rule suspended Read. 3rd time and passed on calls of Yeas and Nays unanimously.

A Bill to authorize the County Courts to establish a tariff of prices was on motion of Mr. Parsons taken from the table. Read 2nd time. Mr Ford moved to indefinitely postpone Whereupon the Yeas and Nays were called and stood thus:

Yeas. Messrs Andrews, Casey, Cook, Dickson, Durant, Ford, Hartley, Hord, Lea, Moore of B. Reed Seiman Shepard & White 13

Nays. Messrs Beasley, Graham, Gurrin, Lair, Maxey, Parsons, Quayle, Wheeler & Mr Lea a bill to authorize the Comptroller to suspend the collection of certain Taxes was taken from the table. Read 2nd time and ordered to be engrossed. Rule suspended Read 3rd time and passed.

On motion the Senate adjourned until 7 o'clk P. M.

7 o'clk P. M.

Senate met. roll called. Quorum present.

Mr Durant offered the following. Resolved. That the Secretary be and he is hereby required to see that all letters addressed to Senators coming to the Post office in this place be remailed to their several Post offices in the Counties of their residence." Adopted

Mr. Gurrin moved the appointment of a committee of two on the part of the Senate to act in conjunction with a committee of the House to inform the Governor that the Legislature will adjourn on to morrow morning at 8 o'clk A M and to know if His Excellency has any further Communication to make to them, carried. Messrs Gurrin and Harcourt were appointed said committee

A Bill to exempt the homestead of soldiers from taxation Read 1st time Rule suspended. Read 2nd time and referred on Mr. Gurrin's motion to Judiciary Committee

A Bill to punish persons for the unlawful seizure of wagons and teams on report of committee. On Mr. Hords motion laid on the table.

A Joint Resolution to restrain the illegal exercise of Military power in the State of Texas. Read 2nd time and laid on the table.

A Bill to provide for the purchase of 20.000.000 of Confederate currency. Read 2nd time and laid on table

A Bill authorizing the sale of Austin City lot. Read 2nd time Mr. Gurrin moved to strike from the bill all requisition to give notice through publication at Tyler adopted and bill ordered to be engrossed Rule suspended Read 3rd time and passed.

A Bill to suspend the Corporate authority of the town of San Patricio Read 2nd time and ordered to be engrossed Rule suspended Read 3rd time and passed on calls of Yeas and Nays unanimously.

A Bill supplemental to an act to define the duties of Secretary of State passed May 7. 1846 Read 1. time Rule suspended. Read 2nd time. Mr. Lea moved to strike out Assistant Clerk and alter the bill throughout correspondingly adopted. Mr. Hartley

moved to strike out 2nd Section which being withdrawn Mr Casey moved to amend by striking out all that portion of the bill which requires the Secretary of State to purchase stationery and fire wood for the Legislature. adopted. Mr. Casey then moved to lay the bill on the table. Carried.

A Message from the House announced the passage by that body of Senates bill authorizing the sale of lots in the City of Austin and that the House had appointed Messrs Shelton Clarke & Perry a committee to wait upon the Governor &c. The committee reported that they had performed that duty and His Excellency had no further Communication to make. Also that the House had passed Senates bill to suspend the Corporate authority of the town of San Patricio.

The committee on Enrolled bills reported correctly enrolled, properly signed and presented to the Governor the following bills:

A Bill to incorporate the Columbus mutual aid association

A Bill to supply a deficiency in a certain appropriation for paying officers and soldiers of State troops

A Joint Resolution of thanks to Gen. A B. Magruder and others . . . . .

A Bill to incorporate the Goliad aid association

A Bill appropriating 2000$ or so much thereof as may be necessary for recovering or repairing the roofs on the Capitol the Genl Land office the Old Land Office and the Treasury building.

A Joint Resolution providing for the payment of the expenses of the investigating of the joint Committee of both Houses of the Condition of the Penitentiary

A Bill to incorporate the Caldwell County mutual aid society

A Bill supplemental to an act to punish speculation in certain cases and

A Bill to incorporate the Washington County Mutual aid association, also

A Bill to punish persons who evade or assist in evading the Conscript laws of the Confederate States of America.

A Bill to provide for the sale of lots in the City of Austin

A Bill to suspend the Corporate authority of the town of San Patricio, and

A Bill to provide necessary assistance for families and other dependents of officers and soldiers

Mr. Dickson offered the following. "Resolved that the thanks of this Senate are hereby tendered to Lt. Gov. Jno M. Crockett for the able dignified and impartial manner in which he has presided over its deliberations at this extra session and in his retirement from the labors of the Session he carries with him the warmest wishes of the Senate for his welfare" Adopted.

A Message from the House announced the passage of the following bills from the Senate.

A Bill to punish persons who evade or assist in evading the Conscript laws.

On Motion the Senate adjourned until ½ past 7 o'clk A. M. to-morrow.

Saturday March 7 1863

½ 2 o'clk A. M.

Senate met. Prayer by the Chaplain. Roll called. Quorum present.

Mr. Swisher offered the following resolution "Resolved that the Publisher of the Almanac extra is hereby requested to mail the "Almanac extra" 3 copies to each member until the Legislative proceedings are finished publishing and the Secretary is hereby directed to approve his account so that it may be paid out of the Contingent fund." adopted

Mr. Ford offered resolutions of sympathy relative to the decease of Hon C. B. Scarborough a member of this Senate at the time of his death which were unanimously adopted. (Note. These resolutions have been mislaid. I presume they went into the hands of the Printer and were never returned. Recorder).

Messrs Parsons and Dickson were appointed a committee to inform the House that the Senate is ready to adjourn sine die. Mr. Cone informed the Senate that the House

is ready to adjourn.

The President then delivered the following valedictory address.

Hon. Senators

The labors of this Extra session of the Legislature are over and it may be the last in which we ever unite Permit me, Gentlemen, to assure you that as Texas can justly boast of the chivalry of her sons and exult in the glory they have won, so may she be equally proud of her legislative councils especially this branch.

Upon this session of the Legislature there has been engaged by the force of public opinion as well as by the appearance of great necessity a species of legislation that has been extremely embarrassing difficulties of the gravest character if not wholly insurmountable were presented. You approached it under the influences of patriotic zeal inflamed by the most eloquent appeals from every part of our noble army including soldiers, officers and commanders in chief; but you have disposed of the difficult subjects with that calm and dispassionate consideration that so much becomes the dignity of your position and have perpetrated no hasty act that is likely to give you a pang of regret in the hours you devote to private business or social enjoyment.

Throughout the heated contests that were the natural and unavoidable results of the circumstances of the country, I am most happy to bear testimony that no breach of decorum whatever not even by inadvertence has occurred to disturb for a single moment the equanimity of any member or the progress of business. Indeed such has been the dignity of your deportment and the assiduity with which you have prosecuted your labors that my position has been rendered one of pleasure instead of toil.

Gentlemen, your kind consideration of the humble manner in which I have attempted to discharge my duties will be long remembered and warmly cherished for the indulgence and courtesy you have invariably shown me I tender to you my grateful acknowledgments. And these sentiments of regard are equally due to the officers of the Senate who have shown me so much respect and have discharged their duties with so much ability.

Hoping that you may all reach home in safety without any serious inconvenience or delay and meet your families in health; and that they and you may soon be made happy by the restoration of peace to the country and the return of your loved ones in safety I take my leave of you with sentiments of sincere regret.

The Senate then adjourned Sine die.

Message of Gov. Lubbock see journal p. 253

Executive Department
Austin Texas Feb. 5 1863

Gentlemen of the Senate and House of Representatives:

It being my duty to convene the Legislature in extraordinary session, when deemed essential for the public good; I have called you together at this momentous crisis, to receive your aid and cooperation, in the adoption of such additional measures, as may be esteemed of vital importance to the country.

Since your adjournment, the war has been prosecuted by our vindictive and remorseless enemy with all the means and energy at his command. Failing in the clash of arms and shock of battle to conquer and subdue our people, no expedient, however miserable, contemptible, and despicable, has been left untried by him to induce the citizens of the Confederate States to throw off their allegiance to the Government of their choice and espouse a cause they detest and abhor. Whenever the fortune of war has placed any portion of the Confederacy in his power; after exhausting every means of persuasion, without success, to bring the people "back to their allegiance", he has resorted to the most unjust, oppressive and cruel measures - confiscations imprisonments, and even the taking of life itself. Yet under all these trials, our citizens with but few dishonorable exceptions, have remained true and loyal to the Confederacy.

From the very commencement of the war, there has been a studied purpose on the part of Mr Lincolns Government to Africanize the Southern Confederacy: which fact is now most plainly developed in his Proclamation of the 22. September 1862, in which he declares that all slaves shall be free in the States or parts of States found in rebellion after the 1st of January 1863" and which proclamation has been approved and sustained by the U.S. Congress now in session, by the following resolution. -

"Resolved That the Proclamation of the President dated Sept. 22 1862 is warranted by the Constitution; that the policy of emancipation as indicated therein, is well adapted to hasten the restoration of peace; is well chosen as a war measure, and is an exercise of power with a proper regard to the rights of citizens, and the perpetuity of a free Government."

I am pleased to see the views of the President of the Confederate States has taken of this most iniquitous paper in his late proclamation of one Bowen against that hateful and disgusting renegade, and traitor democrat known as the "Beast Butler" of whom it has been well said "He has disgraced the Government for his government is great enough to be just; he has disgraced his country, for his name bares the scorn of foreign enemies and justifies the severity of foreign friends; he has dishonored the Chief Magistrate by prescribing him to ministers of the Gospel as the subject of their Communion prayers, he has disgraced his sex, for not even women have been exempt from his Cruelty. If it is possible he has disgraced himself, for the most subservient tool of Southern men and subservient leader of Southern institutions he has become their most assiduous enemy, seeking a place for the heel of power where once he looked only to lick the spittle of servility."

I trust your honorable body will fully endorse the action of the President and sustain the Confederate Congress in every measure of retaliation that may be adopted against our foes who are in effect fighting us under the blackest and most damning of all flags - a flag upon whose folds is inscribed their intention and desire to incite a servile war.

While I recognize the right of the Confederate government to dispose of prisoners of war taken by its armies; and while it would be impolitic and unadvisable for the State to interfere therewith, I yet think that where parties are taken upon our soil, committing murder and arson and inciting to rebellion our servile population, the plea that they are soldiers of the United States government should not be allowed to save them from the same summary punishment as would

be visited upon our own citizens if convicted of the same nefarious crimes.

As Texans, we should feel that He who ruleth in the Heavens and upon the Earth, hath protected and shielded our State from the iron heel of despotism and tyranny; from the lust, avarice, murder, and rapine that have followed in the footsteps of the invader and been so deeply felt by our suffering sister States. Could we but forget the heavy and irreparable loss of brave and devoted soldiers sustained by Texas upon every battle field, we might congratulate ourselves that thus far the evils of the war have not preyed heavily upon us.

In almost every important battle, our arms have proved triumphant. I am proud of the conviction that our Texans, elbow to elbow with their Confederate brothers in arms have been conspicuous in every encounter. As troops have proved more gallant and chivalrous; high praise has been awarded them by the President, their Commanding Generals and the people, the evidence of which exists in the Executive office. It is too true we have to mourn the loss of many - alas! too many - of our best and bravest! - Let us however, hope that they have not died in vain - that for every drop of blood so shed in the cause of freedom an armed man will spring up to do battle in this great struggle! Let us cherish the memories of these heroes and ever bear in remembrance, that it was for our country and for our liberties they yielded up all that was dear to them on earth. When peace shall have been restored to our fair land, let their ashes repose in the bosom of the State they loved so well, and upon whose name their deeds have shed so imperishable a lustre! Let a hundred columns mark the spots where rests their ashes, the tributes of a greatful people, proud of their deeds! - and let them recount to our children's children, the names of the patriots who yielded their lives a willing sacrifice, upon the altars of liberty!

The Military Board.

At your last session, you created a "Military Board" composed of the Governor, Comptroller and Treasurer. Immediately after the passage of the law, the Board entered upon the discharge of their duties, and have continued up to the present moment, with all the energy and ability they possess, to carry out the intentions of your Honorable body. In consequence of the scarcity of material; the great number of patriotic artisans and mechanics as well as laborers who have flown to arms in defence of the Country; they have encountered almost insurmountable difficulties. Much however, has been done by them to place the State in a better position for defence than existed at the time of your adjournment. They have purchased and procured every gun possible; made several contracts for the manufacture of small arms, which are now being rapidly perfected; established and placed in successful operation a Foundry for the casting of Cannon; are successfully working a percussion Cap factory: aided in the manufacture of gun powder, and all else in their view calculated at this time to benefit the Country: they have also introduced into the state many articles of prime necessity, including a large amount of powder lead and other munitions of war and contracted with parties to import articles indispensable to the people.

The Board have also purchased and improvised the steam boat "Bayou City" for the protection of Galveston Bay: and after her completion transferred her to the Confederate government saving to the State her cost and expenses, and contributing thereby on behalf of the State very material aid in the daring and ever memorable success in the capture of the steam vessels of war "Harriet Lane" and the rescue of our beautiful "Island city" from the grasp of our hated foe.

They also purchased and loaned to the Confederate Government, for use within the State the two elegant and serviceable Archol guns manufactured by a skillful citizen of Galveston, after whom them were named: and it is not without gratification the remark that these guns recently caused the blockading fleet off Galveston to haul off and take position at a very respectable distance from shore. The manufacture of this class of guns should be encouraged.

I might say much in regard to the labors and action of the board: it is however deemed best not to enter into details at this time; - suffice it to say that I have found my Colleagues ever ready to afford me every assistance in defending and advancing the interests of the Country. Every important act of the Board has been the united act of all.

I most respectfully ask that a Joint Committee be appointed to examine and report upon, the action and business entrusted to the Board this will be the best mode of determining as to its usefulness, the benefits resulting to the State and the propriety of its continuance. I can assure your Honorable body that its labors have been most ardnous.

Report of the Adjutant & Inspector General

I respectfully call your attention to the report of the Adjutant & Inspector General: in which you will find the details connected with his department, and the duties performed under the law since your regular session, and also many valuable suggestions.

In consequence of the large requisitions made upon the state for men by the confederate government, and the great disposition of our citizens to engage in the war, the State Military organization has been almost destroyed. The labor in his office has been very ardnous, and I trust in many respects resulted in material benefit to the State. The labor in Collecting and repairing arms, receiving and distributing munitions: organizing and placing in the field the Frontier Regiment: and in filling the requisitions of the Confederate Government has been immense.

On the 21st December 1861 the Act was passed "for the protection of the frontier of the State of Texas". The first Company enrolled under said act (that of Capt Thomas Rabb of Karnes County) on the 24th January 1862, reported in Camp awaiting orders.

On the 29th & 30th of the same month the Field officers were placed on duty, and the Companies of the Regiment in position by the 15th of March at the several posts established on the line by the Colonel and approved by the Executive. The regiment consisted of nine companies: the tenth was not raised in consequence of the failure of the party appointed in El Paso and Presidio Counties to enroll the men; subsequently, from the best information I could procure I deemed it unnecessary to station a company in those counties, hence the tenth Company was not at that time raised.

In compliance with Section 7 of said act, I immediately after the passage of the law communicated with the Secretary of War and our members of Congress urging their acceptance of the regiment. I received assurance from our members that the regiment would be received. The Provisional Congress passed a bill for its acceptance, which was however vetoed by the President on the ground that it could be accepted only unconditionally. It was again brought before the permanent Congress passed the House but was defeated in the Senate. After much conversation on the subject with the Commanding General of this Department on the 1st October ult I was induced to offer him the regiment for Confederate service; believing it would be continued in service on the line adopted for the protection of the frontier a duty properly devolving upon the Confederate Government, and that it would be an immediate relief to our Treasury. In answer to our proposition the regiment was agreed to be received so soon as they could be remustered, and some immaterial arrangements made. The arrangements for the transfer were about completed when I received a communication indicating most clearly that the present Commanding General is under an apprehension of an invasion of the lower Rio Grande would forthwith withdraw five companies of this regiment for service on the lower Rio Grande. Although in accepting the Regiment, the commanding general could make no terms with me as to its future disposition I yet believed the regiment would be retained on the line for the protection of the frontier. consequently when the fact was made apparent before the transfer that a very large number of our frontier Counties would be immediately deprived of protection by said transfer. there being no Confederate troops on the line I withheld my approval thereof, deeming it best to await your action.

This regiment has performed good and efficient service and been of great benefit It has given the frontier settlers confidence many good men have joined the Confederate service, and gone beyond the limits of the State leaving their families and property in the frontier counties because they had confidence in that organization and believed the State was determined to protect its frontier.

The frontier Counties with their very sparse population have nobly responded to the call of their Country: they should be sustained. Unless protection be afforded them, the frontier must recede and give way before the inroads of the Indians; for just so soon as you fail to keep up a system of defense in your outer counties will they press forward upon the interior murdering and robbing.

That it is the duty of the Confederate Government to protect our frontier, there is, and can be, no question; but it must be borne in mind, that we are now engaged in a desperate war, and that the government has need of every man she can procure to operate against an enemy more barbarous than the Indian: hence the necessity for the State Authorities to look to the safety of the people on her exposed borders: they must be protected at all hazards and at every Cost. Treasure must not be weighed against the blood of our women and children!

The frontier regiment has entered the service for three years or the war, preparatory to its transfer to the Confederate service. They are willing and expect to be transferred, should it be the pleasure of your Honorable body. With the exercise of the most rigid economy the expense of keeping this regiment in the field up to this time has been about $800.000

I beg leave to suggest the following plan for the protection of the frontier in addition to what the Confederate Government may do: Let some twenty five counties on a line from Red River to the Rio Grande be selected: appoint in each of such counties a Captain and twenty men citizens of the same who will be sworn in as soldiers for the protection of the frontier: pay to each of the Captains $750 and each man $500 per annum: these troops furnishing their own horses, arms and subsistence: appoint one or two commissioners, whose duty it shall be to travel along the line, receive reports as to the management of the Companies, their efficiency, and the protection they afford, paying off the companies, and exercising a general supervision over the line.

This plan would give about 500 men: would not cost the State a sum exceeding $300.000 per annum about one fourth of what it will cost at the present enormous prices of subsistence to keep a regiment like the present in the field, and would, I believe, give protection and satisfaction to the frontier settler.

It would take but a short time to perfect this system of defense. We could then turn over the present regiment to the Confederate Government without much risk; and whenever that government placed upon the frontier a force adequate to its protection, we could disband any organization the State might have in service.

Should you resolve to retain the frontier regiment in the State service some amendments of the law creating it could be made which would add to its efficiency.

In remustering the regiment for three years or the war, expecting as I did to transfer it to the Confederate States I waived the power of appointment vested in me by the law and gave to the men the election of their field officers. I conceived it would prove more satisfactory, and it was a right they would have had in reorganizing a new regiment for confederate service. I am pleased to say that in my judgment they made a very good selection of officers.

It is with profound regret and mortification I am compelled to inform you of the untimely death of Lt Col A. T. Obenchain late of the Frontier regiment. He was unquestionably murdered; and the supposition is by his escort two men named C. F. Whateley and Rector Stoeckton privates in Capt Cureton's Company of frontier regiment

Every effort has been made to arrest these two parties, supposed to be his

murderers, but thus far without avail.

State Troops.

In consequence of the large number of volunteers who have crowded to the Confederate States standard since the passage of the act of December 28th 1861, "to perfect the organization of the State Troops and place the same on a war footing" and that of the several Conscript acts taking all between the ages of 18 and 45 years the entire Military force of the State has become almost wholly disorganized.

I have recently experienced much difficulty in filling a requisition made upon me for 5000 state troops for three months service for the defense of the State. I beg to call your attention to the report of the Adjutant & Inspector General on this subject and particularly to his suggestions that all persons capable of bearing arms from the age of 16 to 60 years of age be enrolled. There is no good reason why stout and able bodied youths, and old men should not be required to render service in defense of the State. It may become necessary to place in the Confederate service every man from 18 to 45 and even to 50 years of age. We should, therefore, prepare to defend the State with the boys and old men.

You will also, upon examination of the report see the importance of effecting a change in the Military law with respect to Commissioned officers.

In filling the late requisition for 5000 troops being fully aware that, in most instances, the Companies Battalions and Regiments were reduced to mere skeletons and that new organizations would have to be formed I gave the men the privilege of electing the officers to Command them in the field. It was impossible to assign a tenth of the officers to duty, hence I preferred this plan trusting the officers would volunteer and accompany the men, taking their chances for election. Very few however did so, the rest claimed their exemption from draft and even furloughed, their requesting it. I have under the circumstances granted their requests.

I think however the law should be so amended as to make them liable to go into the ranks whenever the Company to which they are attached falls below the minimum number and which minimum should be raised considerably over the present number.

Early last Autumn Brig. Gen. Hudson of the 21st Brigade State Troops apprehending great danger from the Indians who had risen upon the Indian Agent and other whites at Fort Cobb; fearing also at the same time an invasion by Kansas hawkers and Indians and that an attempt would be made to seize and take possession of ammunition held by Cooke County called into service three Companies of State troops subject to the approval of the Executive, which was given, and the Companies were accepted into the Confederate States service by Brig. Gen P. O. Hebert the General Commanding in Texas at that time.

The Penitentiary

I respectfully solicit your attention to the workings of the State Penitentiary. This institution has become a most important auxiliary to the Government, and is occupying a very prominent position in the public mind

When I came into office I found it largely involved, and although the debts due the Concern were nearly equal to its liabilities they were unavailable, while the latter had to be paid. I found too that a contract had been entered into by the officers of the institution with the sanction of my predecessor with Isbon Morgan a Quarter master in the C.S. service stationed with what was then called the Army of the West in Tennessee for one half of all the woolen and cotton goods manufactured, the contract to continue six months with the privilege on Morgan's part to continue it six additional months. I discovered that it took the balance of the products to clothe the soldiers of this department. It appeared also that a very large credit business had been done by the preceding financial agent. I instructed the present financial agent to sell entirely for cash, and as I was willing for the Confederate authorities to have what was needed for our soldiers they too, were to pay cash or make payments at such stated periods as would enable the Concern to be carried on advantageously.

Seeing that the goods obtained by Morgan were being sent out of the State, and knowing that the facilities for procuring cloth East of the Mississippi were more abundant than west of that river I very soon directed the financial agent to notify Capt Morgan that his contract could not be extended - that the necessities of the State forbade it, and that unless I had assurances that our Texas soldiers were receiving the benefits of his contract I should stop it all. He readily agreed to my suggestions and his Contract expired in April last.

From that time my orders have been imperative, that the soldiers of Texas be first supplied; after them their families; and next the actual Consumer; but under no circumstances was a yard of cloth to be sold to retailers or speculators. I believed the best way for clothing our troops was through the various Quartermasters and government agents who were bonded officers and charged with that specific duty; and hence I had their requisitions filled. and up to Sept 1 1862 having investigated the subject and made the calculation: I found the army had received three fourths of all the woolen and largely over one half of the cotton goods manufactured. It must be borne in mind that this is the only establishment west of the Mississippi river capable of furnishing clothing, tent cloths, wagon sheets and flour sacking &c &c The result was that when the necessities of this department and that of Arkansas were filled, but little was left to distribute among our people.

Entertaining the hope that the institution might supply the wants of some of the people I directed the Financial Agent after supplying the Army to furnish the actual Consumer what he could spare; and advised him to require of every such applicant an affidavit stating the goods were for his own use or the use of those for whom he applied, and would not be sold or bartered. This I suggested as a safe guard against imposition and for the protection of the honest citizen; and much was I astonished to learn that this course was objected to by many of those whose interests the rule was intended to secure.

As soon as this regulation became generally known, thousands of parties made application for cloth and of course the great majority of them were doomed to disappointment, and were consequently dissatisfied The Institution could not supply one fifth of these demands. the army had to be first supplied, which left but little to be divided among the people About this time as is evidenced by the records in my office I was totally unable without neglecting my other official business to reply to the numerous letters received concerning Penitentiary goods. and was compelled in Consequence on the 9th of August 1862 to write a public letter to the financial agent.

This only caused more applications to be filed dooming the applicants still to disappointment. Shortly thereafter I was induced to change the whole plan by letters of the most urgent and distressing character from Gen. Hindman and Holmes as to the condition of their troops in Arkansas; most of whom were Texians. I did not however as has been said, give the control of the Penitentiary to Gen Holmes or the Confederate officers; but I did recognize his right to control the Quartermasters in the Transmississippi department; believing that under his management our Texas soldiers would be better and more speedily clothed I gave him all the goods manufactured at the Penitentiary for the present reserving a sufficient amount of Cotton cloth, subject to the orders of the County Courts of the state to clothe the indigent families of the soldiers in the service.

I think I did right. I said then that I hoped the troops would be benefitted: and knowing as I did, the suffering of our people at home for clothing I urged Gen Holmes to obtain supplies elsewhere, if possible, in order that the cloth might be distributed to the needy among our citizens. I also said that our people although suffering should recollect that while they were at home where shelter could be obtained our brave boys were exposed to the cold blasts of winter as well as the iron hail of the accursed enemy: and that they should be willing for the soldier who was fighting their battles to be provided even to their discomfort.

Many have complained and said that the institution should be run at night. I fully subscribed to this: but an investigation of the project satisfied me that it would not do - the risk if no other objection existed would be too great. Others suggested that it should be run on Sundays. This too I found impracticable for which many good reasons could be given.

It would be unreasonable to suppose that such an establishment as this belonging to the State in which every citizen believes he has an interest could in its operations in these times of distress and scarcity of every article of clothing please generally. While I could not reasonably expect this one sole aim has been to make it do all the good possible.

I believe that through the untiring energy, skill and ability of those directly in charge of the institution, it will compare favorably with if not surpass the workings of any of a similar character in the Confederacy. I should think I was guilty of an act of injustice towards the Superintendent and financial agent did I not say this much.

The special report of the financial agent furnished at my request for your information, is respectfully called to your attention.

It discloses that from the 1st day of December 1861 to the 31st December 1862, a period of thirteen months, there was manufactured of cotton goods 1.376.000 yards and of woolens 211.152 yards of the former of which was sold to the Army 765.791.2 yards and of the latter 184.241.2 yards making largely over one half the cottons and greatly exceeding 3/4 of the woolens manufactured. The Lunatic Asylum rec.d 602 yards woolens and 1000 yards cottons, The balance 389.217.0 yds cottons and 22.845.1 woolens were absorbed by the factory Penitentiary, clothing of the Convicts families of Soldiers and general supplies of the Institution

The gross earnings of the Institution for same period have been	$267.529.30
The amt. expended has been	222.499.36
Special deposit with State Treasurer	236.502.25
With a cash balance on hand of	527.69

The amt. of indebtedness previous to Dec.r 1. 1861 which has been paid by the present financial agent is $64.707.37 more than the amount received by him previous to that time. The amt of cash rec.d by him upon taking charge of the Penitentiary was $36.80

It will thus be seen that this Institution has been most ably, successfully and profitably managed, placing into the Treasury a very large amount.

The Military Board having been requested by the Financial agent to do so and deeming it themselves of vital importance ordered from Europe certain articles absolutely necessary to keep the Institution profitably in operation. It may become necessary while the war lasts to empower the Directors to obtain even at great risk, every thing required to keep the establishment in good working order, and, if possible to increase its productive capacity so important to our army and people, provided they pay for such articles and necessary improvements out of the proceeds of the Institution.

There has been much said in regard to the bad Management of the Penitentiary and in some instances charges have be made of unfaithfulness, Malfeasance &c on the part of some of the officers.

Under these circumstances I consider it due to those officers and the people that these charges should be properly investigated; and if any officer directly or indirectly charged with the management of the institution has been guilty of wrong doing let him be held up to public scorn.

With this view I beg of Your Honorable body to appoint a Joint Committee to examine into both the financial and mechanical workings of the institution; and I trust you will pardon me for suggesting that the Committee be selected of experienced, practical business men from different sections of the State not residing in the immediate vicinity of the Penitentiary and strangers to its officers

Since penning the above I have unexpectedly received a very interesting report

from the directors, covering a report from the Superintendent These reports contain much valuable information, and many important suggestions which I beg leave to call particularly to your attention.

Hospital Fund.

Immediately after the passage of the law creating a Hospital Fund for the benefit of the sick and wounded soldiers in the Confederate army I appointed Dr R T Flewellyn to visit the army in Virginia and Dr. A K Rippetoe the army in Kentucky. I placed in their hands the sum of $5000 each in specie, with instructions to make exchange whenever they deemed it to the interest of the Fund to do so.

Dr Flewellyn remained in Virginia but a short time informing me that he did not believe his services there would compensate for the expense attending his stay – That our troops there were doing very well. After expending a small amount for the relief of Certain Hospitals that had contributed to the Comfort of our men, relieving the wants of some of our soldiers and depositing with the Colonels of the 1st & 4th and 5th Texas Regiments the sum of $1.833.33⅓ each for their use he returned to Texas and paid into the Treasury $708.55. The premium obtained on sale of specie was $2366

Dr Rippetoe I regret to say was compelled to return home on account of ill health. During his short stay with our troops he accomplished much good, relieving a large number of our soldiers. He realized $1133 premium on account of specie sold and returned to the Treasury $1900 in specie and $3.1664.5 in Confederate notes

These two gentlemen made no charge except for actual expenses

Deeming it best that permanent agents should be with our troops so far from their homes kindred and friends and that such was the wish of the Legislature, I appointed Dr. J W. Fennel instructing him to proceed to Virginia, to the Army of Genl Lee, or wherever else he might find our Texas troops in that state and to extend to them such care as they might require and if deemed advisable to establish a seperate Hospital for the benefit of the Texas troops. I placed in the hands of Dr Fennel $14.500 and gave him authority to control the 5.500 deposited with the officers of the Texas regiments in Virginia, making $20.000. Up to the 31st December 1862 Dr Fennel had expended the sum of $7.222.37 – had in operation an Hospital at Richmond, exclusively for Texans and was being assisted in its management by the Confederate Medical authorities

I appointed Dr Kevin A Bryan and gave him $5000 with instructions to go to what was at that time known as Braggs army east of the Mississippi river, and charged him with the duty of looking after all Texans in that section of the Country: authorizing him, if deemed expedient to establish one or more Hospitals; one of which he located at Quitman, and another at Jackson Miss: both being now in successful operation. At the time his last report was made, he had, under treatment a very large number of patients, and altho the C. S. Government is extending to him very material aid his fund is becoming rapidly exhausted.

On the 30th of November last he had in his Hospital 469 patients and had expended of his fund the sum of $19.435.86.

After exerting myself for some time I succeeded in procuring the services of Dr George A. Ferris for the Texas soldiers in the Army of Arkansas and placed in his hands the sum of $20.000, sufficient time has not elapsed since his appointment, to receive a report of his operations.

I can assure the Legislature that they passed no law at their last session likely to confer more benefits than the law creating the Hospital Fund. I fear however the appropriation will prove insufficient to sustain the Hospitals until the regular session. I therefore suggest that an additional appropriation be made for this humane and generous purpose.

The ladies of the Country with that kindness of heart and marked patriotism

which has distinguished their conduct since the first gun was fired at Fort Sumpter. perceiving the insufficiency of the appropriation and fearing our brave men - their fathers, husbands brothers lovers and friends - might possibly suffer for such comforts and necessaries as the Government could not furnish; have with a lavish hand, been adding to the appropriation. They have plied their needles their wheels and their looms; they have brought into successful requisition their musical and vocal powers, in aid of the Hospital Fund.

When the future historian of this war shall recount the deeds of heroism, of which it has been so fertile how brightly beautiful must the patriotism self denial and courage of the women of the Southern Confederacy appear. They will descend to posterity peerless among women!

The Currency and high prices

Many are the reasons given to account for the great depreciation of Confederate Treasury notes and the high prices asked for every article of prime necessity in the Country. The people will look to you with hope, not unmingled with anxiety to solve this difficult problem, and to the measures you will adopt, to enhance the value of the Currency and thereby reduce the enormous prices demanded for every thing bought and sold within the State. My impression is that the large amount of Confederate Treasury Notes in circulation and our proximity to a people entirely specie trading with whom is our almost sole commercial intercourse are the chief causes. and in order to effect a speedy and favorable change it is essential that a large amount of the Treasury notes of the Confederate States be at once withdrawn from circulation. To aid in effecting a result so desirable, I hope the Confederate Government will without delay proceed to the imposition and collection of a larger tax, and encourage the funding system, even should it be necessary, to effect that result to increase the rate of interest. Congress should also amend the sequestration act so as to collect the large amounts due. Never will a more favorable time occur for the debtors of the Government to liquidate the demand against them. The State tax should also be raised to double its present rate, there never was a period when our people were so able to pay their taxes as at present when money is so abundant and property of every kind bringing such enormous high prices.

Of no other measure, whose adoption would aid in sustaining the Currency, is, the Compulsory withdrawal from circulation of Corporate and individual shinplasters under most prompt and severe penalties. I am of opinion that it would be best for counties to borrow what money they may need on their bonds, and withdraw all their change notes from circulation, leaving the C. S. notes and such Texas Treasury warrants as may be out to serve the purposes of circulation and change. Were this done I believe it would be attended with a good effect. I feel satisfied your Honorable body will leave nothing undone, you can legally do, to sustain the Credit of the Government upon which credit depends perhaps, the success of our present struggle for a separate existence.

There may be those among us who unjustly depreciate our currency. I trust they are but few in number, and like the traitors in our midst constitute but rare exceptions. Should there be citizens in the country refusing to receive the Currency for debts contracted in the due course of trade and who holding large amounts of interest bearing papers for better times, expect at the termination of the war thro the action of the Courts to sell and sacrifice the property of their neighbors for specie, I trust the Legislature will so change the remedy as to save our people from bankruptcy and ruin.

It is the opinion of many distinguished jurists and statesmen that the Confederate Congress had the right to make the Treasury note of the Government a legal tender if this be so now is the time for such action. I should be pleased to see your express an opinion on this point.

Provision for the families of those in the Service.

I beg leave to call your attention to the absolute necessity that exists of making further provision for the support of families of those in the Service. I am aware the Counties have been very liberally providing for them thus far. Still, however, useless to disguise the fact, that the burden (as upon us) upon them must daily increase with the continuance of the war, and should the Contest be prolonged to the end of the year, it will be necessary that thousands more of our citizens take the field thus increasing the number of families in every County to be provided for. In addition to what the Counties may do, I am of opinion the State should make a most liberal appropriation for this purpose. The troops in the field are the soldiers, not of a particular county but of the entire state, and it would be but equitable, that the state provide for their families. This plan would also serve justice in another view; many Counties with the smallest populations are the most wealthy; they furnish but few soldiers comparatively, while other small taxpaying Counties have a large excess of men in the field, and therefore many more families to provide for; hence it seems but just they should be cared for out of the public Treasury. I am wedded to no particular plan by the operation of which the relief sought is to be afforded: but I most earnestly advise that ample provision be made to ward off distress from the families of those who are so nobly serving their country. That there will be destitution among them, unless such provision be made, there can be no doubt.

In connection with this subject I beleive that authority should be lodged somewhere so that in the purchasing of articles for the purposes indicated if the parties having them particularly bread stuffs meat &c refuse to sell at a fair price for the currency of the country, the goods should be liable to seizure and appraisement.

The Cultivation of Cotton to be limited and the growth of Corn to be increased.

I desire to call your attention to the great necessity that exists for limiting by legislative action the planting of cotton during the existence of the war. It is undeniable that upon slave labor, both our armies and the families of our gallant soldiers depend for subsistence. A very great majority of our laboring white population are in the fields or will be there. Our lands too cultivated by white labor, cannot with certainty be relied upon to produce corn, in consequence of the uncertainty of the seasons in those sections of the state where this species of labor predominates - hence we are reduced to the necessity of looking to the rich bottom lands cultivated by the slave for a supply of corn adequate to the future demand; and to secure a sufficiency for cotton must be planted. If we expect our troops in the field to remain content, they must feel that those at home, their wives and little ones are cared for. The cotton planter should not be permitted to place in cultivation more than a given number of acres I would suggest three acres to the full hand - & he exceed that amount he should be condemned to pay at least 500% per acre. The quantity of Cotton thus raised would be amply sufficient for all purposes; would bring the planter a large return and leave land enough to supply the country bountifully with Cereals, the planting of which in abundance should be required of every planter and farmer.

It may be urged that such legislative action would be an unjustifiable interference with a legitimate calling. I will in reply simply say that "self preservation is the first law of Nature" and the axiom may I presume be with propriety applied to communities and states, as well as to individuals; and I am convinced that unless some such course be adopted there will be famine in the land, the Cry for bread will be raised; suffering will ensue; and the bold and true hearts gallantly fighting the fight of liberty will be bowed down and dispirited. I urge therefore upon your honorable body to give this matter your most serious attention esteeming it as of the supreme importance.

Distilleries.

In connection with the foregoing subject it is with regret, I call your attention to a very large number of Distilleries now in operation, and being put in operation, within the State, - the numbers that have sprung into operation, since the commencement of the war, might be deemed fabulous. On the 28th of May last I issued a Proclamation, ordering all such establishments to be closed, deeming it of supreme importance to preserve the grain for the use of the army and people, and save our soldiers from the pernicious effects resulting from the use of intoxicating liquors. I was at the same time convinced that, in portions of the State the crop would fall very short - a conviction, subsequently, fully verified. Upon the issuance of that Proclamation, most of the parties having distilleries, desisted from their use, although some I am informed persisted in distilling. I directed the Brigadier Generals of the Militia to enforce the Proclamation. In one instance the Brigadier, and all others including the Executive were enjoined from interfering with the distillery of the party who sued out the injunction - and inasmuch as I had concluded at the time service of the writ was made upon me, to convene your Honorable body, as as there appeared to be some doubt as to my authority to suppress them, I determined to submit this matter for your consideration.

It is well known that these establishments daily come into Competition with the County Courts and with individuals charged with the duty of providing for our poor, and the families of our soldiers - and that in some sections of the State they have been the cause why the price of Corn has risen to double its value.

The demoralizing effects of these Distilleries, both upon our troops, and people, are terrible, and I entreat you, in the name of the Mothers wives and children of those brave and noble spirits now far from their homes in the Armies, and who look to you to guard and protect them, to suppress this outrageous Consumption of grain, and iniquitous traffic until peace is concluded.

My Conviction is there is but one way to effect it. The Executive must be invested with authority to close them by Proclamation, and if disregarded he must be empowered to do so by a military force. The party who violates the proclamation, should also be liable to a heavy fine and imprisonment - a fine alone would be insufficient - the enormous profits of the traffic would enable the party easily to satisfy it.

Heavy penalties should also be imposed upon persons introducing into the State, during the war, intoxicating liquors, unless by special permit for medicinal purposes for the use of the Army Hospitals. It may be urged that some Alcohol is necessary for medicinal purposes. If so let proper restrictions be thrown around contracts for that purpose.

I am informed by intelligent Chemists that a most excellent article of Alcohol can be distilled from the Sorghum or Chinese Sugar cane and I know it can be more easily grown in our State and with a greater degree of certainty than any of the cereals used in distillation.

Extortioners and Monopolizers.

That there are persons in the Community who live by extortion and monopoly, there can be no doubt. Is it in our power to reach them? If it be let us not hesitate a moment, but push straightforward to the work. They are now the worst enemies we have, because they croak and complain make their purchases with gold - abuse and depreciate the Currency so as to obtain immense profits - reinvest and so continue - never satisfied with their increased gains. The monopolizer has bought for sale, until he sees a favorable opportunity to dispose of what he has at most enhanced prices ruinous to the purchaser.

I regret to say that I have been informed on many occasions that the trader and speculator is not the only extortioner and monopolizer in our midst, but that many of our planters and farmers are to be included in the same category.

In the language of President Davis "They are men who can be reached by no worse influences and are worse enemies of the Confederacy than if found among the invading forces" The armies in the field as well as the families of the soldiers and others of the people at home

"are the prey of these mercenaries, and it is only through state action that their traffic can be sup"
"pressed. Their condign punishment is ardently desired by every patriot"

Slaves for labor on Fortifications

It may become necessary from time to time for the Confederate, as also, for the State authorities to require the labor of adult male slaves on public works of defense. I would therefore most respectfully suggest that a law be passed to enable the government to command this species of labor when necessary: and that a system be inaugurated which in its operation will bear equally, and as lightly as possible, under the circumstances, upon the people. A small percentage of the slave population would suffice.

Citizens voluntarily absenting themselves from the State during the war.

It has been truly said that "every citizen is bound to serve and defend the state as far as he is capable". Some are naturally exempt from the performance of this duty, by reason of age or infirmity; all are capable in some way of being useful, the healthy and strong of bearing arms, and the infirm of doing Hospital duty, and of aiding the families of those who are in the army and of sympathizing with and giving aid and comfort to the cause in which we are engaged. There are higher and nobler duties to perform than simply to live up to the law, to pay taxes, and hire a substitute when called on to serve in the army - the duty of giving the whole heart and means to sustain the country in its heroic struggle.

What then must be thought of those persons who without sufficient nerve to take an active part against us either remain here sullenly discontented, or secretly doubting the success of our arms, and sowing the seeds of discontent in the minds of the weak and irresolute? What must be thought of those who have left the country to avoid a participation in the struggle, expecting to return and join the successful party? Is there no way by which the latter class can be reached? I respectfully suggest to the Legislature the passage of a law notifying such persons to return to the state in a given time, and that their failure to comply shall subject them to forfeiture of lands and of citizenship, and of the right to become citizens.

Another class of persons who are derelict in duty it is incumbent on me to bring to your notice. The state has not only been the asylum for the oppressed of every Country, but foreigners have been invited to become citizens of the State, and so far has the encouragement been extended that upon simply making the declaration, upon oath, of the intention to become citizens they are entitled to take and hold real estate. It is my stern duty to state, that I believe many of the persons who have accepted the privileges thus offered, have refused, when called upon, to render military service and have sought and obtained the aid of their native governments to exempt them from it.

The right to hold and enjoy all real estate should be denied to all such persons, and they should forever be rendered incapable of becoming citizens.

The Conscript Laws.

In April last the Confederate Congress, after much investigation, discussion and deliberation passed with the utmost unanimity the act known as the Conscript law. Very soon after its passage, I was called upon by the General Commanding the District to aid in carrying into effect its provisions within the state of Texas, in accordance with its terms. Viewing the law as constitutional and convinced that the necessities of the Country imperatively demanded its prompt execution, I stopped not to discuss the good or bad policy of the enactment, but at once accorded permission to the Confederate Commander of Texas for his employment of state officers to aid in carrying out its provisions. Under this law requiring the enrollment of persons between 18 and 35 years of age, very few were taken, those subjected immediately volunteered thereby swelling the ranks of our armies with great rapidity. Regretting that even one citizen of Texas should have placed himself before the courts in opposition to the law I am yet happy to say that the Supreme Court of Texas, and

of other States have fully sustained my views of the law in deciding it to be constitutional. Whilst acknowledging the right and admiring the zeal of every citizen in adhering to and guarding the rights of the States, and whilst fully appreciating the necessity of preserving unimpaired the rights and dignity attached to a sovereign state; and that it is the duty of the people of the states to see that the agent appointed by them does not abuse or attempt to abuse the powers and rights inherent in the States (for this is the doctrine of the political school of which I am a disciple) yet I recognize the fact that we are engaged in a most desperate and critical struggle, a struggle upon the result of which must depend our existence as a people and which is fraught with all we hold dear of life, liberty, and honor. To insure success, unity of purpose and action is absolutely necessary between the Confederate and State Governments; hence it follows that every act of any citizen or citizens calculated to weaken the influence of the Government or its officers with the people is in my judgment giving (although it may be unwittingly) aid and comfort to the enemy. Therefore, since my elevation to the Executive Chair, my great aim has been to aid and cooperate with the Confederate authorities, in all things tending to a proper and vigorous prosecution of the war.

I have had no desire to render myself conspicuous by disputing with the civil or military authorities of the Confederate Government on immaterial points, but in every instance where there has been an apparent interference with the rights of the State, or an encroachment upon the functions of the Executive, and the attention of the proper officer has been drawn to it, the cause of complaint has been promptly removed. In Military matters there should be one sole head. Under the Constitution and laws I recognize President Davis as that head; and while he conducts his administration in conformity to the Constitution and laws he should be sustained and supported by the officers both State and Confederate, and by the people. Acting upon these views, I have thus far been enabled to work in harmony with the Confederate authorities. I have succeeded in inducing the Government to keep in the field within our state troops adequate for its defense. In filling the various and large requisitions for men made upon me I have so managed as to furnish the requisite number with but very trifling outlay on the part of the State, thereby preserving our credit, which may yet be needed for a more vigorous prosecution of the war. In this connection I will remark that from within two months after my inauguration to the present time I could in the opinion of a vast number of our citizens have with propriety thrown into the field a force of from five to twenty thousand men. I had no such ambition, unless in connection with imperious duty, and the danger were imminent and pressing. The adoption of such a course would have incurred a debt of millions, exhausted the resources and Credit of the State, and up to this time have effected nothing but heavy expense and increased distress among the people. Had I placed such a force in the field the Confederate Government would have been justified in withdrawing its troops from our borders leaving us dependent upon the State troops for our defense and protection. I am firmly convinced that to be successful, unity and harmony is essential. God in his infinite mercy, forbid that we shall ever witness a time in this struggle for existence as a Confederacy when the Legislatures or Governors of the several States shall attempt to determine the number of troops they will furnish or to decide when and where they are most needed, the manner in which the Campaigns are to be conducted or the battles fought! Whenever such a Course is decided upon and that policy inaugurated, then indeed may we tremble for the result. No! each and every State must give a cordial and determined support to the Government. The war is waged for the interest of all. Every battle fought is a battle for the freedom of every State; and if by massing large bodies of troops we can avert invasion from any one State or portion of a State we shall have done well.

I well recollect that many persons questioned the policy of a man leaving Texas to engage in this war and many believed it could be brought to a successful termination without doing so.

Efforts were made to retain within the State those loved departed, and surviving heroes of the 1st & 4th and 5 Texas Regiments known as Hood's Brigade; a corps whose gallant conduct on every battle field has done so much to crown our arms with victory and confer lustre upon the Texas name. Since that time Texas has placed in the field near Seventy Regiments of as good and true men as ever drew sword or shouldered rifle in defense of liberty against tyranny.

When the History of this war shall be written the name of Texas and her sons will stand forth conspicuous as among the most brave, generous and chivalrous of any people in ancient or modern times. In sending her sons beyond her own borders, our State did well, and I believe our immediate good has resulted therefrom. For had they been held back for the protection of their own state; the enemy could have spared troops from other points and thrown them upon our soil. To me it is plain that if by sending our men to Virginia Tennessee Mississippi Arkansas or any other distant point we keep the enemy from our own doors, we are greatly the gainers.

I am far from counselling the leaving of any state; more particularly our own in a defenseless condition; nevertheless, I believe it to be the part of wisdom to meet the enemy wherever he makes his men, and should any state for a time be occupied by the enemy, it is preferable to dividing and scattering our grand and efficient armies. Scatter that veteran and glorious army, that has so long and nobly fought the battles of the Confederacy on Virginia's sacred blood stained soil for the protection of every point threatened; and how long think you it would be before the hirelings and mercenaries of Lincoln would press on in irresistible strength into North and South Carolina, transferring the bloody ground to those states? Each battle fought in Virginia Tennessee Mississippi or Arkansas is a battle for the freedom of Texas; Consequently, when called on by our President, and those great generals who have thus far conducted us victoriously for additional assistance, let us do all that in us lies to respond to the appeal and thereby hurl destruction upon our merciless and hated foe.

Coast Guards.

In the month of March 1862, anticipating an invasion of the State, and the Confederate government having ordered all the available troops to leave the Coast, I deemed it advisable to organize a small force to act as scouts and spies in the Counties bordering on the Gulf and accessible streams. I authorized the Brigadier Generals of certain Brigades to organize in each of such counties, a company of 25 men, to be sworn in for the war, to furnish their own horses, arms and subsistence, they were to be at all times subject to the orders of the Brigadier General; they were also necessary to aid in driving stock of the citizens beyond the reach of the enemy - to see that Negroes and other property of the people did not fall into the hands of the blockaders - and generally to perform such duty as the Brigadier Generals might require of them. They were to receive no pay from the State, the only immunity awarded them was relief from all other Military duty. I considered it a good and necessary arrangement for the State.

Some complaints have been made that these companies were useless and should be forced into the army. I know that several of them have rendered valuable services. The Confederate officers with my consent have employed some of these companies, as they inform me to great advantage. They have at all times been ready to perform any service when called upon by Confederate officers. In justice to the men composing this organization I will state that they were sworn into service long before the passage of the Conscript laws, & cannot therefore be charged that they sought this service to avoid Conscription.

Meeting of the Governors of the Confederate States west of the Miss. River at Marshall Texas.

In July last, the Mississippi river being virtually in possession of the enemy, and the impression being entertained in some quarters outside of Texas, that the Confederate authorities were neglecting and abandoning the portion of the Confederacy west of that river believing such impression to be unjust and that the Confederate government neither desired nor intended to neglect the Trans Mississippi states, and that any apparent

want of attention to its necessities had arisen from its inability at the time to guard against it. I invited the Governors of the States of Louisiana Arkansas and Missouri (representing the states west of the Mississippi) to meet me at Marshall Texas, and after consultation, from that place make known to the President the true condition of the country and submit for his consideration such plan as we should deem most efficacious in securing the interests of those States. The Executive of Arkansas was prevented from attending by illness in his family, and Gov Moore of Louisiana by reason of the invasion of that State. I however had the honor and gratification of meeting Gov Claiborne F. Jackson of Missouri, than whom a more zealous indefatigable and true hearted patriot never existed. God in his inscrutible providence has since called him from his sphere of usefulness - and while we bow in submission to the Divine decree, we can not but mourn his loss.

Gov Jackson and myself prepared the necessary papers - forwarded them to Gov. Moore and Lector, who most fully endorsed all we had done, and affixed their signatures to the papers, which in due time were delivered to President Davis by our esteemed fellow citizen Maj Gen W. Bryan then an aid de camp to Gen P. O. Hebert and to whom in all this business much is due for any good that may have resulted from our consultation.

I believe that the objects sought to be attained by us were accomplished. That it was satisfactory in its results to the President, and our members of Congress, I have the evidences in the Executive office. I have the honor to lay before you the papers connected with this meeting.

The Surrender of Galveston.

Much has been said and written in regard to the surrender of Galveston. censure has, in some instances been liberally bestowed upon the Executive in connection therewith. I can only say, that when the first threat was made by the enemy against the city, I advised and urged determined resistance. On the 7th day of March last when I heard the order had been received by the Commanding General from the War department to send our disciplined troops out of the State, abandon the Coast and discharge the 12 months men, I remonstrated and the Commanding General most willingly suspended the execution of the order until I could forward a protest to the War department which I did by special messenger. The War department yielded the point so far as the disbanding of the 12 months men was concerned but in a short time thereafter moved many of the troops to the Mississippi.

It was my conviction, until a very short time before its surrender that Galveston would be vigorously and obstinately defended by the Confederate General.

The State had not a soldier in the field and did not control a single piece of ordnance suitable to its defense. I desire to cast blame upon no one. I will however say, that with my consent, it would never have been surrendered to a naval force destitute of the means of occupying it.

From the moment of the surrender of the city I have urged its recapture continuously. I claim no credit for the great and chivalrous deeds of our brave and noble troops so conspicuously displayed in the recapture of the city. The distinguished General now in Command of this Military District disclosed to me his plans as Executive of the State and I encouraged and promoted the enterprise in every way in my power. and no heart within the broad limits of the Confederacy beats with more pleasure and glows with more pride at the halo of glory that will encircle the brows of those heroes, whose matchless intrepidity on that occasion on sea as on land has secured them imperishable renown.

I have shown your Honorable body in a previous part of the Message the very large number of men we have in the service. Our government recognizing the right of the Majority to govern the fact is exhibited, for the first time in our history of a majority of our qualified electors being beyond the limits of the State. The question arises should they, absent as they are in accordance with the laws of the land and unable to return be deprived of the right of suffrage? Do they forfeit the rights of citizenship because they are absent battling for the common good? Can they be disfranchised and the government given up to the minority? My opinion is they should be protected in all their rights of citizenship by the Legislature of the State. I therefore recommend

that a law pass with proper restrictions giving to the soldiers of the State in the Provisional army of the Confederacy, beyond its limits but being otherwise qualified electors the right to vote in all general elections during the war.

Lunatic Asylum

In consequence of the immense advance in the prices of every article of Consumption, and the very low price paid for patients by the counties an additional appropriation will become necessary to sustain this Institution

The Institution is only authorized under the law to charge the County patients two dollars per week. This would not in times of peace and plenty support a patient, and at present pays but a small portion of the expense. The rate of board should be increased.

Reports of the Secretary of State

Permit me to call your attention to the reports of the Secretary of state. Many valuable suggestions are made by that officer, which I trust will meet with your approbation.

State finances

There was rec.d into the treasury on account of State revenue from 1st July 1862 to Dec.r 31, 1862. To amt. on hand Janry 1 1862 $13 336.67

From 9-10 state Taxes Licenses &c	346 305.39
" Sale of Land Scrip	28 138.29
" Sale of State bonds	183.995.07
" Financial agent Penitentiary	148.278 88
" Other Sources	28.495.78
	749.080.08
Amt. Disbursed during same time	746.397.80
Leaving bal on hand Jan. 1. 1863	$2.682.28

The military board have sold 460 State bonds of 1000$ each from which they realized $476.622.60 of which amount as above stated they paid to account of State revenue $183.995.07 leaving them properly Chargeable with $292.627.53.

Under the law to regulate and authorize funding in state bonds appd. Jan 13.1862 amd. further $196 000 making in all of loan bonds disposed of 656: 210 bonds remain to the Credit of the military board to meet contracts made, and future liabilities growing out of Contracts.

There has been disbursed from the Treasury in payment of liabilities on military account incurred prior to Jan 1 1862 $837 432.52. Upon liabilities since 1st Janry. 1862 to Dec 31. 1862 $509.535.46.

There has been expended on civil account during the same period, including $55.026.84 on account of the 9th Legislature $267.911.25

The outstanding liabilities of the State 1st Jan. 1863 are in 8 pr. ct. bonds	$656 000.00
In 10 pr. ct. Interest warrants	$135.000.00
In Treasury warrants without interest	$888 875.92
	$1.679.875.92

Estimated amount of unaudited claims for military services

prior to 1st Jan. 1862	$150.000.00
For frontier regiment	350.000.00
	2.179.875.92

Of this amount about $1.000.000. is in payment of debts and military services incurred prior to 1st Jan. 1862.

It will also be borne in mind that the claims of the state against the Confederate Government will not vary very far from the entire indebtedness of the State.

From the increased demands, likely to be made upon the Treasury, the facility with which our citizens can procure the means to pay their taxes and the importance of reducing State

liabilities as rapidly as possible thereby appreciating the balance. I feel no hesitation in recommending an immediate increase of the tax to one half of one per ct exclusive of the loan tax.

The receipts likely to come into the Treasury during the year arising from the present rate of taxation, and other ordinary sources will amount to about $3000000 $3000000 of which will be required for the support of the civil government leaving only 200000 $ for the redemption of unpaid Treasury warrants the protection of the frontier and the General Defence of the state. A tax of ½ of 1 per ct. would yield 1000000 $ revenue which would soon relieve the State from financial embarrassment.

The amt of Special tax assessed for 1861 amounted to $112 302.20 of which amt there has been paid in to the Treasury $90.49165 being almost as large a per centage as the amount collected in Currency.

The faith of the State having pledged her faith to pay the interest on her loan bonds semi annually in specie has caused these bonds to be much sought after, and the Board appointed for that purpose could long since have disposed of the entire amount authorized by law. The Board have however preferred to use them only as the necessities of the Treasury required it thus saving a large amount of interest to the State. I trust the Legislature will not disturb the position which this loan occupies to our people as our citizens readily responded to our wants, and invested their means when solicited in these bonds, relying upon the punctual payment of the interest in specie.

There is now in the Treasury a sufficient sum to meet the interest on the entire million of bonds for one year, and I believe there will be a sufficient amount collected to meet the interest as it becomes due. But to guard against any contingency I trust the Legislature will empower the Comptroller and Treasurer to make such arrangements as will secure a sufficient amount of specie to place it beyond doubt. It can be done very easily and our faith kept and our credit sustained.

We know not what a few months may bring forth. The necessities of our country may require us to raise large sums to defend the State. Let this then do nothing likely to impair our credit and when called upon, rest assured our citizens will respond with their last dollar.

I most respectfully suggest that the law authorizing the funding of State warrants in the present loan bonds be immediately repealed. The amount of warrants presented for funding is increasing daily and the fact of our State bonds bearing specie interest causes them to be in greater demand for funding than the bonds of the Confederacy. In the present condition of the country and of the Currency I think 8 per ct. interest on a state debt too high, and should you deem it best to continue the funding of State liabilities I would recommend that bonds be issued expressly for that purpose and that they bear 6 per ct. interest.

By an act passed at the last regular session of your Honorable body Confederate Treasury notes received into the Treasury can only be paid out for Military purposes. I presume the object of the law was to secure the most available means for military objects. The fact is now known that the State warrants are more appreciated than the Confederate Notes, hence I would respectfully suggest that the law be repealed and that Confederate Notes be paid out as other funds for all purposes, because the revenue is principally collected in those notes and there may be times when they are not required for Military purposes, and would save the drawing of large amounts of warrants, thereby lessening the amt of State liabilities. There can certainly result no injury to the State from this course.

I believe that by pursuing the course indicated there will be no necessity to put in the market before the regular session of the Legislature an additional number of bonds over the amount now authorized to be sold.

At the last session of your Honorable body the 16. section of the Tax law was amended so as to postpone the forced collection of Taxes until the 1st Day of August succeeding the return of Assessment rolls &c. At that time there was great scarcity of money in the country and it was done to give time to put money in circulation. This delay postpones all settlements with Assessors and Collectors until after the fiscal year which ends in August and causes so much

confusion in closing accounts in the Comptrollers office. As there is no longer any necessity for such postponement I respectfully suggest the repeal of the Amendment.

Duties made the duty of the Executive to present to the Confederate government for settlement all claims of the State against that government The Comptroller has been adjusting and paying off all claims properly Chargeable to the Confederate government, preparing the necessary vouchers to sustain the Claims &c

It is expected the accounts will very soon be ready for presentation and adjustment. I am not advised that any appropriation has been made to liquidate this class of claims.

I respectfully recommend that all soldiers from the State in the Confederate service, whose property amounts to less than $1000 be relieved from the payment of the Poll tax during the time they remain in the army. Also that a reasonable amount of their property be exempt from taxation, and that the property of no soldier, while he is in the service of the Confederate State, shall be sold for taxes.

Public Lands

Let me suggest the policy of withdrawing from sale, except to actual settlers all public lands; until peace is restored.

The Estray Law

I beg leave to call your attention to the law regulating estrays, it should be either repealed entirely or amended I have reason to believe that it is very much abused, and that the stock of parties absent in the service is being preyed upon under its operation. I am of opinion that no stock should be estrayed during the war unless it be established that by its running at large it works an injury to the property of the party proposing to take Animal or Animals.

Reconstruction.

The people of the North and some few deluded fanatics in our own section entertain the opinion that the old union can be reconstructed. To me and I hope to every true Southern man the idea must be shocking and revolting. God forbid that our noble land, purified, redeemed from both crime, rule and corruption by the fire of a hundred battle fields; rebaptized in the blood of our innocent dead, should be doomed to such a fate. The safety purity and virtue of our political and social system are to be maintained alone in their integrity by a rigid exclusion now and forever of all abolition or Yankee Communities. The admission of a single free state, like the one dead fly in the precious cup of ointment will corrupt and vitiate the whole mass. I am of the opinion therefore that the Confederate Constitution should be so amended as to exclude any state from becoming a member of the Confederacy that does not allow and protect Negro slavery among its people - and that any state belonging to the Confederacy that shall abolish the institution of negro slavery within its borders shall ipso facto cease to be a member thereof.

I would recommend an expression of opinion from your Honorable body upon this vital question; for it does not require the eye of a prophet to foresee that some of the Western States baffled in their hellish attempts to subjugate our proud and noble people and grieved by their lust of gain will revolt from their eastern masters, and beg to be admitted members of our Confederacy.

Appropriations for Military Contingencies.

I would respectfully recommend that ample appropriations for all Military Contingencies be made. They would of course only be used in case of great and pressing necessity. It is a matter of great economy for the Government to pay at all times for what is required, in cash.

Special Terms of the District Court for the trial of Criminal Causes.

In the present condition of the country there is but little doing in our courts beyond the trial of Criminals which can now be done by our District courts every six months. I believe were the Legislature to authorize the Judges of the District Courts to hold special

terms or Quarterly Courts for the trial of all criminal causes after Indictment found, it would have a very beneficial effect at this time. The citizens would not be so likely to take the law into their own hands, which I regret to say, has been done on several occasions within the last few months.

Conclusion.

I cannot but congratulate you gentlemen on the general health and prosperity of our State. I feel that we are greatly indebted to Divine Providence for the privilege we this day enjoy in being permitted to assemble in our own state and at our own Capitol unharmed and unmolested to transact the public business entrusted to us by a confiding Constituency. Several of our Sister States I deeply regret to say, do not enjoy the same immunity.

The old year closed brightly for us and the New Year opened most propitiously. Let us be hopeful watchful prayerful - let each and every one of us determine to forget self and by precept and example encourage every man in the broad land to devote himself, his means and his abilities to the service of his Country! Let us give to our Government the support of our choice and affection an earnest support! Let us sustain and cherish that Patriot - Warrior - Statesman - whom we unanimously and with one accord selected to preside over our destinies, and to guide our ship of State thro the turbulent sea of revolution - who by his ability, energy and devotion assiduity to the welfare of the Country and interests of the people deserves a Nations gratitude! Let us with heart and soul resolve to rally around those brave and gallant Captains who daily lead our invincible and ardent bands to victory! Let us continue to fill up their ranks upon their demand shows it take our last man and our last dollar looking neither to foreign Nations or to the Corrupt democracy of the North for aid! Depending alone upon God, our strong arms and brave hearts, victory will soon perch upon every banner and an honorable peace be conquered!

And now gentlemen it may not be unfit for me to declare that it is not my intention to seek a reelection to the position I now occupy. Constantly, strenuously and to the best of my ability have I attempted to perform the duties growing out of my position with what success my official record must determine. I must obey the impulses of my own heart and they counsel me to join the ranks of our chivalrous soldiers now battling and dying for our independence. I feel that one who has done as much as myself to inaugurate the present momentous and sanguinary struggle should take a greater part than has hitherto been allotted to my share in its dangers privations and hardships.

Permit me to say that I trust your stay at the Capitol will be pleasant - that harmony may prevail in your counsels and deliberations and great good result to the Country from your action.

Having performed your necessary labors, I trust you may safely return to your homes and families, enjoying happiness and prosperity.

(signed) Y. R. Kinbrough

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Austin Febry 5. 1863

Hon J. M. Crockett
President of the Senate.

I beg leave to report that in pursuance of the resolution of the Hon Senate, I took charge of the Senate Chamber during the recess and I hope the Senators will be satisfied with the manner in which I performed the trust.

I would respectfully call the attention of the Hon Senate to the fact, that in the prep appropriated for the papers belonging to the Senate, are the papers belonging to the Senatorial branch of the Congress of the late republic; some of which have not been printed and some of those that have been printed are not now to be had. I would respectfully suggest that the Hon Senate order these papers to be delivered to the Secretary of State for safe keeping forming as they do, an important part of the early history of the country and they are not now safe where they are. I would also respectfully inform the Senate that there is but a limited supply of stationery on hand, but enough I believe with strict economy to last this session.

The roof of the Capitol is even in worse condition than it was during the last session as the members who sit on the west side of the House will find whenever it rains. All of which is respectfully submitted

P. Alexander
Secry of Senate

☞ The message referred to on page 269 of this record was transmitted to the House of Representatives before there was time to insert it in the journal and was not returned to the Senate.

☞ The report of the Judiciary committee on the contested election between Hon S. H. Darden and Hon Spencer Ford referred to on page 260 of this record was taken possession of before there was time to enter it upon the journal by the Member of the H of R. from San Augustine County, and was not returned.

☞ The message of the Governor referred to on page 266 of this record responsive to Mr Selman's resolution as to the disposition of State bonds was withdrawn by Mr Selman before an entry could be made on the journal.

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Treasurers office
Austin February 17. 1863

Hon John M. Crockett
President of the Senate.

In response to a resolution of the Hon Senate calling upon me for a statement of all the monies paid out by me under and by virtue of an act entitled an act supplementary to an act making an appropriation to pay the contingent expenses of the Ninth Legislature approved 9. December 1861 which said supplemental act was passed January 9. 1862 which said report or statement shall show to the Senate all the monies paid out by virtue of said act, the persons to whom the same was paid, on what account and out of what kind of funds and from what fund such payments were made" I herewith submit the following report or statement

Respectfully
E. K. Randolph
Treasurer.

Statement of disbursements made by the Treasurer on account of Contingent expenses of the 9th Legislature.

Date	No of Warr	To whom paid	On what account	Fund from which payment was made	Description of funds paid	Amount
1861 Dec.	12	18635 Sampson & Dennicks	Sundries for Senate	State Revenue	Specie	147.90
	12	18636 A.H. Parrish	Porter hire for Senate	do	"	30.00
	12	18637 H. T. Duffau	Stationery	do	"	231.60
	12	18638 Palm. Brothers & Co.	Sundries for Senate	do	"	107.60
	13	18639 Jno Marshall & Co	Printing	do	"	596.16
	14	18642 J. H. Luckett	Porter hire	do	"	61.50
	17	18643 Palm. Brothers & Co.	Sundries	do	"	321.05
	17	18644 R. D Carr & Co	Map of Texas	do	"	5.00
	19	18645 Palm. Brothers & Co.	Sundries	do	"	42.70
	20	18647 Baker & Smyth	Stationery	do	"	31.75
	20	18648 Alex Cranes	Hire wood	do	"	13.50
	23	18649 C. H. Millett	Carpenters Work	do	"	26.00
	23	18650 Coorni & Christian	do	do	"	27.75
	24	18651 Barron & Cooke	Repairing fire place	do	"	8.00
	24	18652 Ed Baskain	Sand Boxes	do	"	6.00
	26	18653 William Rust	Postage	do	"	163.97
	26	18654 do	do	do	"	313.89
1862 Jn	20	8056 England & Millican	Burial E. L. C Walker	do	"	80.00
	20	8057 Jno Marshall & Co	Printing	do	"	917.25
		8058 Thomas H. Kenth	Hire of negro boy	University land sales	"	108.00
		8059 Eli Kirk	Repairing Chandelier	do	"	25.00
		8060 A.H. Parrish	Porter hire	do	"	42.00
		8061 H. T. Duffau	Sundries	do	"	48.50
		8062 Sampson & Dennicks	do	do	"	12.50
		8063 C. H. Luckett	Porter hire	do	"	108.00
	21	9077 Mrs M. M. Green	do	do	"	108.00
		9760 Taylor & Renfro	Med. att. L. C. Walker	do	"	15.00
	24	10994 John Marshall & Co	Printing	do	"	110.00
	29	12135 H. T. Duffau	Stationery	do	"	3.80
		12136 S. B. Brush	Candlesticks	do	"	3.60
		12137 W. N. Hardeman	Stationery	do	"	10 00
Feb	14	15990 W. C. Chalmers	Arrang. in. business	do	"	150.00
	18	16399 William Rust	Postage	do	"	156.44
	18	16400 do	do	do	"	219.68
	20	16803 P. de Cordova	Arrang in business	do	"	150 00
	28	19838 Palm. Brothers & Co	Sundries	do	"	1124.05
Mar	12	3257 William Rust	Porter Hire	do	"	67.00
					Total	$4.583.19

I certify that the foregoing statement is correct

C. H. Randolph
Treasurer

13 The message referred to on page 269 of this record cannot be found. It is supposed the Committee on State affairs did not return it to the Senate. The records of the Executive dept will shew what it was about.

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Treasurers Office
Austin Febry 19 1863.

Hon Jno M. Crockett
President of the Senate

Sir.

In compliance with a resolution of the Hon Senate I herewith submit statement of the funds in the Treasury; the character of funds and the amount thereof subject to appropriation.

Very Respectfully
Yr. obt Servt.
C A Randolph
Treasurer.

Revenue of State

Specie		333.42.
Confederate Treasury notes		92.402 94
State Treasury warrants to be cancelled		3.141.57
		95.877 93

School Fund

Bonds of Rail Road Companies		1.780.980 00
Ten pr. ct bit. warrants (to be exchanged for specie with St. Rev)		11.239 71
Con. Treas. notes due to Counties on distribution of 1862		28.676 71
Specie for investment for schools	44148.88	
" due counties in forma distributions	1.700.68	—
" for distribution to counties	1124.20	
" Contingent School fund	977.00	7.950.76.
		1.828.847 18

Special Deposits

Specie County tax due Counties	5.850 .80.	
Con. Tr notes County Tax due counties	13.783 41	
State Treasury Warrants Do	129 .28	19.763 49
Specie Settlement of successions	3.765 90	
Con Tr. notes Do.	496 .73.	4262 63
Specie of Escheated Estates	2.688 71	2688 71
Specie of Assessors fees	975 66	
Con Tr notes Do.	38 00	1013 66

University Land Sales.

Specie	.57.	
Con Tr. notes	23.752 .69	
State Tr. warrants (to be exch. for specie with St. Rev.)	4.773 97	
Ten pr. ct. Int warrants Do. Do.	12 055 80	
		40.583 03

Special loan tax

Specie	82.847..78	82847..78
Total		2.073884.41

Recapitulation

Specie	104.413..60	
Confederate Treasury notes	159.150..48	
State Treasury Warrants	8.044..82	
Bonds of Rail Road Companies	1.780.980..00	
Ten pr.ct. interest warrants	23.295..51	
		2.073884.41

Of the above the following sums only are subject to appropriation.

Specie of State revenue	$333.42	
Con. Notes of State revenue	92.402.94	92.736.36
Total subject to appropriation.		

Ed Randolph
Treasurer.

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"The committee on Finance to which was referred A bill to be entitled an act to procure specie to enable the people to pay the specie tax" Has considered the same and found several objections. One is the absolute requirement to procure a specie fund to the full amount of the assessment. Another is, the permanency of the arrangement. Another is the system of drafts provided for. Another is the absence of any provision for subjecting the Collectors and their sureties to a liability on their bonds, or to any penalty for violation of duty, as may be necessary to secure fidelity where the want of it would be very injurious. And another is that the sum appropriated is not sufficient for the object.

But while considering this bill the committee has reconsidered the bill lately passed by the Senate on the same subject. The committee now thinks that bill defective in some particulars. One is in limiting the specie fund nearly ten thousand Dollars below the amount of the assessment of the specie tax, and another is the inadequacy of the appropriation

With these views it seems desirable that neither of said bills should be enacted, and the Committee recommends the prompt adoption of a substitute for the House bill to be passed without delay.

The committee herewith submits the proposed substitute which would obviate the aforesaid objections while it appears to be better matured in other respects than either of the bills.

Pryor Lea
Chairman

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The committee on Finance to which was referred a resolution instructing this committee "to inquire and report as to the propriety of providing a specie fund to facilitate payments of taxes which have been or may be imposed to meet interest and principal of State debt so that tax payers may have such taxes liquidated at the Treasury by exchange of paper currency for specie through the Comptroller and Collectors" has made the requisite inquiry

and reports as follows.

The propriety of providing such a fund depends on the demand for it and the terms of obtaining it. The demand consists in the necessity for payments of the Specie taxes, and the difficulties, which a large proportion of the tax payers would have under present circumstances to make the payments unless aided.

The necessity for payments of such taxes arises from the consideration that they are the basis of the State bonds of which nearly all have been either used in executed contracts or are committed to meet executory engagements under existing laws. These bonds being actually or virtually, in the hands of purchasers there is the supreme guarantee of the tax on which they rest. The law which placed the bonds in market, expressly provided that "the tax assessed under and by virtue of said act shall be collected in gold or silver, any law to the contrary notwithstanding"; and the amended constitution authorizing such a loan law, contains this provision, "but the tax imposed by such act in proportion to the debt and liability, which may have been contracted in pursuance of such law shall remain in force, and be irrepealable, and be annually collected until the proceeds thereof shall have made full provision to pay and discharge the interest and principal of such debt and liability." Under these provisions, even, the Legislature could not prevent, although it might aid, the collection of such tax to the extent of its committal for bonds disposed of.

The absolute legal necessity for payment of the tax does not need the support of any collateral consideration, but satisfaction may arise from a few reflections showing a coincidence of some political and moral necessities.

This loan policy which had been previously initiated, was continued and modified at the last session of the Legislature for several reasons. In addition to as much taxation as the people were then willing to bear, the public necessities required the addition of this loan, as experience has proved, while it has shown, also, divers reasons for a large provisional loan by means of smaller bonds. There was no proper provision for funding the indebtedness of the State either to certain special funds in its trust or to its other creditors when there was a certainty of considerable delay in payments. The warrants of the State on its treasury had become depreciated to nearly one third of their amounts with a downward tendency, so that payment by such paper either to soldiers or other creditors was grossly unjust, and the ordinary administration of the government was seriously embarrassed, while the State Credit was not prepared for apprehended emergencies. Bonds of the State would have been cheaper than its other paper, if issued on any other than a specie tax. But in addition to the direct use of the loan, from which much good has already arisen with prospects of great future benefits the specie bonds are considered to have been the principal means with little aid from other resources by which the public creditors might readily fund their demands or have payments in other State paper of greatly improved price, and a governmental credit was inaugurated so as to give assurance of other help in case of need. For the State to maintain such high financial position the bonds must be sustained according to the law of their creation; and at a time of peculiar difficulties in making payments in specie the proposed aid might manifest a determination that the bonds should be sustained and so add to the States high credit. From such considerations appear some political and moral necessities in coincidence with that of preemptory law for a general collection of the Specie tax.

As this tax must be collected by the officials in charge of such business the question arises whether they shall be left to the use of only ordinary means or shall the Legislature aid them and the tax payers by providing a specie fund to be committed for current paper through the Comptroller and the Collectors.

The Committee has no doubt of the practicability of providing such a fund and of applying it as proposed. The procurement may be accomplished by the purchase and sale of Cotton in the usual course of trade as familiarized by current practice

of the government both Confederate and State, and of individuals. The application may be made under authority therefor, by the Comptroller and Treasurer so that the specie fund may be contained in the Treasury, where necessary, portions for respective tax payers may be commuted for paper currency, that shall have been forwarded for such purpose by the tax payers through the Collectors who shall be required to perform such service under legal regulations and the Comptrollers instructions. On completion of such commutation in any case, the tax would be paid into the Treasury, and ready for application to the bonds according to law, not less satisfactorily to the bond holders or account of the States aid to the payers, but rather with more satisfaction from the supervision assurance that no difficulties should be allowed to impair the value of State bonds.

In view of such practicability but few persons may question the expediency of the proposed aid. During the first collection of this specie tax the proposition obtained was nearly equal to that of other taxes, because sufficient specie in general could not be commanded by tax payers throughout the State without very great difficulty. Since subsequently the demands for specie by our soldiers on leaving the State, by merchants and other persons in foreign purchases, and by hoarders for fear or speculation have greatly increased the difficulties of obtaining that article by any ordinary means.

That it may be obtained by means of cotton has already been stated, but for individuals and associations embracing a great majority of the tax payers the procurement of specie by such means would have many difficulties. If some specie might be obtained from hoarders the rate of exchange for paper would be exhorbitant. The foregoing difficulties would not have a general appreciated alleviation in the reflection that the payment of the tax is essential for the payment maintaining great public interests.

Under existing circumstances the necessary amount of specie could be procured as proposed at far less cost than by individual action of tax payers. And there is no doubt that such public aid to tax payers would result in a general collection of the taxes in contrast with the limited payments that might be otherwise expected.

The Comptroller gives information that the amount on hand of specie tax will meet the interest payable next July and January. That the Constitution provides that such tax shall be annually collected to meet interest and principal of the bonds according to the law by which they are held; and the only question appears to be whether the tax payers shall have the proposed tax aid or be subject without aid to legal coercion for payment. Moreover it might be prudent to provide liberally for a specie fund so as to be sure of enough to meet the tax demands, especially as other occasions of State necessities will require considerable amounts of specie during more than the time of the pending war and as an excess could be conveniently placed to another account.

The question of loss in the exchange of specie for paper need not be raised as the tax payers are on both sides of the account.

With such views of the subject the Committee recommends and to the tax payers as proposed and to that end herewith submits a bill.

C. Pryor Lea
Chairman

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[illegible] This statement of Treasurer is only a part of that recorded on page 331 of this record and therefore need not be again entered.

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Comptrollers office
Austin Febry 18. 1863

Lt Gov. Jno M. Crockett
President of the Senate

Sir,

In accordance with a resolution passed by the Senate this date I herewith submit a statement showing the probable amounts of receipts of State Revenue for the present year 1863

Respectfully
C. R. Johns
Compt

Ad valorem & Poll tax assessed for 1862	633. 139. 54	
Probable amt. which cannot be collected	75 000 00	
	558. 139. 54	
deduct 1/10 for school fund	55. 873. 95	
	502. 325. 59	
deduct expense 12½ for collection &c	62. 790 69	
	439 534 90	$439.534 90
Merchandize and Corporation tax	19. 618 63	
Probable amt uncollected	5 000 00	
	14. 618 63	
deduct for collecting 8 pr. ct.	1. 165 44	
	13. 453 19	
deduct 10 pr. ct. for school fund	1. 345 31	
	$12. 107. 88	$12.107 88
Office fees		1. 621 93
Settlers Claims		2 248 95
Patent fees		5 756 00
Preemption fees		1. 555 00
Government dues		912. 02
Sale of Land scrip		28. 138 29
		49. 869. 99

The estimate of sale of land scrip is based upon the sales of last year, but the sales for the present month amount to date to about $30,000

It is the opinion of this office that a very large amount would be realized from this source during the present year, and this amount would be correspondingly increased by the depreciation of the currency.

There has been received from the Penitentiary during the past year $236.502.25. The probable receipts for the present year may be calculated at about $250.000.00 The special loan tax assessed for 1862 amounts to $109.962.42 of which amount we can not hope to realize over $20.0000.

C. R. Johns
Compt.

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☞ This report referred to on p. 277 from the Committee on Confederate relations was made upon a portion of the Governor's message, and has been mislaid.

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"The Committee on State affairs to which was referred "A bill requiring Clerks of the County Courts of Texas to procure a book which shall be called the black book." has given the subject deliberate consideration and reports as follows:

The committee regards the bill as objectionable

1. It proposes to register and post any person who may refuse to take the currency of this state for any debt contracted since the present war, or for any commodity offered for sale. Confederate treasury warrants are understood to be the currency referred to. If the Confederate government have the power to make them a legal tender, it has not yet done so, and the states are expressly prohibited from making any thing a legal tender except gold and silver. No person is legally bound to take such paper currency. There would seem to be an objection to making a legal crime of a mere assertion of legal right however strong may be the moral and political obligations to sustain this paper currency: and the bill manifestly intends such registration and posting to be very severe punishment of the offender, with a corresponding admonition to all other persons

2. But if power to inflict such chastisement were assumed, law, justice and policy would reject the mode of trial proposed in the bill. The County Court Clerk is to be satisfied of the offense, without restriction as to kind of information or manner of procuring it, and without notice to the accused or hearing him: and thereupon the Clerk is to register in The Black Book the delinquents name; and to post it in some conspicuous place in his office. No comment is necessary.

The Committee has been thus particular because a minority has favored the bill and desired a report

& majority have instructed that the bill be reported with a recommendation against its passage

Pryor Lea
One of the Committee

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The committee on finance to which were referred sundry bills proposing to repeal the law for raising a specie tax to sustain the loan bonds or to suspend the collection of that tax has duly considered all such propositions and has given its views of this subject in a former report maintaining the necessity and propriety of a regular collection of the tax and proposing aid to tax payers. Such views of the Committee are sustained by both branches of the Legislature in enactments which have already been passed during this session. Hence the Committee returns the bills and asks to be discharged from further consideration of them.

Pryor Lea
Chairman

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"The committee on Finance to which was referred a resolution that the committee inquire into the expediency and practicability of the States purchasing and distributing cotton and wool cards has made appropriate inquiry and reports the resolution with a request to be discharged from further Consideration of the subject.

The importance of the subject is unquestionable, but varied information justifies the belief that the great demand will be extensively supplied by other means before there could be any return from any measure adopted under this resolution. The State Military Board has made arrangements for a large number of cards and ordinary Commerce is providing many more. Moreover all available funds are not sufficient to meet other pressing necessities of the State government.

Pryor Lea
Chairman.

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The committee on Finance to which was referred a resolution that the Committee inquire into the propriety of authorizing the Comptroller to sell certain lots in the City of Austin belonging to the State" has made the requisite inquiry and herewith reports a bill to provide for such sale and recommends its passage

The committee deems it expedient that such sale should be made as soon as convenient. The lots will probably sell for good prices payable in Treasury warrants of the State, Even if prices somewhat higher might be obtained by receiving in payment the ordinary currency of Confederate Treasury warrants yet the difference might be less important than the acquisition of the outstanding paper of the State. To require payment in the States liabilities is so just and natural that it cannot be construed into discouragement of the Confederate paper. As the State is receiving Confederate paper for taxes there would seem to be great propriety in requiring paper of the State in payment in sale of the public property. In the absence of State bonds to absorb other State paper and when the amount of such paper must far exceed the income from taxation, the credit of State Treasury warrants would be sustained by making special demand for them in judicious sales of public property. In preparing the bill the committee submits the policy for consideration

Pryor Lea
Chairman

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"The select committee to which was referred the House's bill to repeal an act entitled an act to amend the 1st & 11th Sections of an act to authorize the sale of the public domain approved Febry 11. 1858 appd Jany 1. 1862 have duly considered the same and a majority of the committee have instructed me to report to the Senate the accompanying bill to amend the 1st Section of an act to amend the 1st & 11th sections of an act to authorize the sale of the public domain appd. Febry 11. 1858 appd Jany 1. 1862, and to amend the 2nd Section of an act to authorize the sale of the public domain appd Febry 11. 1858 as a substitute for the bill referred and recommend its passage.

R. L. Hartley
Chairman

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The select Joint Committee whose duty it was to enquire into the acts of the Military Board beg leave to report That they have had the same under consideration and made the best investigations which the length of time, and the varied & large transactions of the Board would admit of. The committee find that soon after the Creation of the Board Mr G W. Giddings was employed as the agent to make negotiations with a view to the obtaining funds with which the Board could commence operations. In these negotiations Mr. Giddings was unsuccessful

The Board then employed Mr. A. D. M. Wilson to make purchases of arms ammunitions of war blankets clothing shoes leather medicines &c. The Board furnished Mr. Wilson with Nine Thousand and five hundred Dollars in specie and with other funds to be used in the purchases to be made by him. The specie was used in the purchase of such articles as are above named and the articles have been received by the Board. The other funds could not be used. The specie furnished to Mr. Wilson was a part of the fund appropriated at the last session of the Legislature for the transportation of clothing and other supplies to our soldiers in Virginia & Mississippi and for providing Hospitals for the sick and wounded soldiers in the Confederate army.

The Board employed Mr. A. M. Moore as its agent to sell cotton and make purchases for the board. Mr Moore was to receive as compensation for such services fifteen pr. ct. on the amount of cotton sold by him and fifteen pr. ct on the amount of goods purchased by him, the Board was to be at no charge on account of Mr. Moore's personal expenses. This arrangement with Mr. Moore commenced on the 29. of april last and up to about the 1st of January in this year the amount passing through Mr. Moore's hands is about Two hundred thousand dollars and his compensation would be some forty or fifty thousand Dollars.

The Board have used many of the State Bonds, and the Confederate money placed at their disposal, in the purchase of cotton of our planters, which purchases were made at fair rates, and amount to three thousand six hundred and fifty nine bales of cotton as is shown by a tabular statement accompanying this report marked "A"

To enable the Board to effect the purchase of cotton, many of our citizens when called upon by the Board acted as their agents in purchasing cotton and in almost every instance without compensation. This cotton has enabled the Board to make large purchases of arms, munitions of war, clothing blankets shoes, leather medicines cotton & wool cards &c many of which articles have been received and others are on the route. The Board have sold to the Confederate government in clothing blankets, shoes, &c &c to the amount of (Ninety six thousand nine hundred and forty one Dollars and Ninety cents and in some instances have made a profit of over two hundred pr. ct. and in all the sales made to that government made more than sufficient profit to save the State from any loss.

Invoices and accounts of goods purchased, quantity and price paid accompany this report and are made part hereof.

The Board have erected a Foundry in the City of Austin for the manufacture of Cannon, and procured a large quantity of materials out of which to manufacture such guns. and although no guns of that character have yet been made, the committee hope and believe that in a short time the Foundry will be able to turn out a considerable number of cannon.

Much difficulty has been encountered by the Board in procuring suitable labor and materials for the erection of the Foundry and the manufacture of Cannon, and a large amount of means have been necessarily used in the enterprise.

The Board have also erected and have in successful operation a factory for the manufacture of gun Caps and are now turning out a large quantity of these much needed articles of good quality, and the quantity so made is being constantly increased. The Board have also in successful operation a factory for the manufacture of Cartridges

The Board purchased and fitted up the Celebrated "Bayou city" steamer which proved so useful in the glorious attack made on the hirelings of Abraham the first at Galveston on the 1st of last January, which steamer the Board have since sold to the Confederate Government at an increased price over cost.

The Board have also had obstructions placed in Galveston Bay and Buffalo bayou.

The Board have contracted with various Companies and Individuals in this state for the manufacture of small arms, rifles, pistols &c some of which have been received and others in progress of manufacture, a more full and particular account of all which may be seen by reference to a report made by the Board to the House of Representatives and which is herewith returned to the House marked B.

Of the large amount which has passed through the hands of the Board some two thirds or three fourths has been expended in the manufacture and purchase of arms, munitions of war, the purchase of the Bayou city steamer, the purchase of the two Nichols guns, the placing obstructions in Galveston Bay and Buffalo Bayou &c. The balance has been used in purchasing such articles as are of prime necessity.

The following is a statement of the transactions of the Board in State Bonds of one thousand dollars each.

One Thousand of these bonds were placed at the disposal of the Board. Two hundred and ninety bonds were used in the purchase of cotton One hundred and eighty two sold for confederate notes and the amount placed in the State Treasury. Two hundred and ninety four funded under the law. Forty four of said Bonds are retained to pay for cotton purchased but not yet paid for. Forty seven of said Bonds retained to pay for goods and other expenses contracted but not yet paid for which leaves on hand one hundred and forty three State bonds.

The Committee have no hesitation in saying, that while the Military Board may have committed errors such as all men are liable to yet upon the whole, looking to the vast amount of labor they had to perform and the large amount and varied character of the transactions in which they have been engaged, and the difficulties which have surrounded them the Board have done quite as well as could possibly be expected of them. They certainly have been successful in putting the State in a vastly better situation for defense against its enemies than it was at the time of the Creation of the Board. And the Committee feel safe in saying that patriotism, industry, and honesty have marked all the proceedings of the Board.

Respectfully submitted

D. C. Dickson

Chm on part of the Senate

S. R. Holland

Chm on part of H of R.

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The Committee on State affairs to which was referred the petition of sundry citizens of San Patricio has considered the same and found from its statements and other information that there exists a grave question of pecuniary interest between the Corporate authorities of said town and other general interests of the County of San Patricio; and that the absence of persons from that County in the army deprives the Community of that County from proper representation of its interests at home Hence the Committee has concluded that the safe course is to suspend the action of the Corporate authority of that town until twelve months after the close of the war so as to prevent intermediate wrong and to give opportunity for a full and fair presentation of the de

faculty to a session of the Legislature which may be expected during each twelve months. A corresponding bill is herewith presented with a recommendation that it be passed

Pryor Lea
One of the Committee

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"The committee on Finance to which was referred a Bill to appropriate money to pay the officers and soldiers of Sims' 9th Texas Regiment of Cavalry whilst in the State service has considered the same and approves of the object of the bill, but the committee deems it expedient to provide for all similar cases in one bill. The auditing and settling of all such claims were provided for, but without a sufficient appropriation, by the last session of the Legislature. It only remains for the present session to supply the deficiency. For this purpose the Committee reports a bill as information derived from the office of the Comptroller and recommends that this bill be adopted and passed as a substitute for that which was referred as above stated. The Committe for further information in connection with the proposed substitute would refer to the appropriate act of last session and to a statement herewith, obtained from the Comptrollers office

Pryor Lea
Chairman

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The Committee on finance to which have been referred a bill to impose a tax upon unlocated land certificates, and a bill to relieve the officers non commissioned officers and privates in the Army of the Confederate States from the payment of a poll tax" has considered the same and found the former bill to be clearly within the provision of the Constitution that "all bills for raising revenue shall originate in the House of Representatives" and the latter bill to propose an important modification of the revenue laws. Whether the Senate can originate a bill proposing a reduction of the revenue is a question which the Committee declines at present to consider as it deems expediency a sufficient reason for not thus interfering with the leading action of this House during the present session of the Legislature. Hence the Committee reports both bills back to the Senate with a request to be discharged from further consideration of them.

The Committee adopts the same course as to a resolution, requiring the Committee to consider the propriety of levying a tax on specie payable in Kind, this resolution having been also referred to this Committee

Pryor Lea
Chairman

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"The committee on Finance to which was referred a Bill to amend the 3rd section of an act to prescribe what Kinds of funds may be received for certain public dues, apprd. Jany 11. 1862 has considered the same and returns it to the Senate with a recommendation that it be passed

The absolute necessity for this measure arises from the action which the Confederate Government may have taken or must soon take to retire from ordinary circulation nearly all of its Treasury notes, that constitute its present currency. A recent

report of the Secretary of the Treasury treats of this course as a necessity for which there is not any alternative; and we must assume it as a certainty for the basis of our legislation. An act of last session prescribed, that Confederate Treasury notes without any discrimination should be received for public dues in general. Should no change be made in our law and the mass of Confederate notes now current, be rendered uncurrent nearly all collections for the State, and in its name for trust interests would be in the uncurrent Confederate notes. Of course we must avoid such a result. This can be done by an amendment of the law of last session so as to exclude such uncurrent notes from our collections and to allow the continued reception of current Confederate notes. These will consist of the more recent issues, which will be made to meet governmental necessities as they may arise, and cannot fail to supply an abundant circulation, while the earlier issues must be funded in Bonds or Stocks of the Confederate government.

To meet the necessary change the bill under consideration seems to be entirely appropriate. Its enactment would make no substantial change in the former law except in the suggested particular. Some slight variation of expression in a few other particulars is adopted only for proper improvement in terms to express the same substance.

Pryor Lea
Chairman

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"The committee on State affairs to whom was referred the House bill to provide for the support of the families of Texan soldiers have duly considered the same, and have instructed me to report the accompanying substitute and recommend its passage

The reasons which influenced the committee in the adoption of the substitute were as follows. In the first place the estimates for an appropriation to meet the provisions of the House bill were variously estimated from five hundred thousand to three million of dollars. It would be unwise to provide for the expenditure of so large an amount of money without the proper data for making an estimate for appropriation with reasonable certainty. Otherwise should the appropriation fall short a portion of those who were intended to be beneficiaries of the bill would fail to become so.

Another objection to the House bill was that it is a measure establishes fixed amounts to be distributed by the County Courts to the beneficiaries of the bill, whereas the necessities of the beneficiaries would involve every possible variance. For this reason it was thought advisable to leave the amount of aid to be extended to individual beneficiaries to the discretion of the County Courts who may be thoroughly advised of the wants of all to whom the benefits of the bill should be extended.

In fixing the amount of the appropriation in the substitute the Committee have aimed to fall below the amount that would be required entirely to carry out the object stated in the caption of the bill, leaving the balance that would be required to be made up by taxation by the County Courts with a view to securing an economical administration of the fund by the County Courts.

R. K. Harley
Chairman

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"The committee on Finance to which was referred a house bill which may be briefly called The Revenue Bill reports it back to the Senate for its action without making any suggestion as to its merits except the necessity for having an increase of revenue and hence the necessity for promptly passing this bill without any amendment.

Yesterday about noon this bill was received in the Senate. During the afternoon session it was referred to this committee. There was also a night session. The members of the committee could not give attention to this subject during the Senate session other current business of importance commanding their attention, nor could they leave the Senate Chamber without breaking a quorum. And now it is certain that any delay to propose and consider an amendment would defeat this and other important bills inasmuch as the session must close two days hence and quorums may not be had most of the intermediate time. The committee presents these facts in vindication of itself and the Senate.

Pryor Lea
Chairman